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COMMISSION ON SECURITY AND COOPERATION IN EUROPE

NINETY-NINTH CONGRESS

SECOND SESSION

SOVIET AND EAST EUROPEAN EMIGRATION POLICIES

APRIL 22, 1986

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PUBLIC HEARING ON SOVIET AND EAST EUROPEAN EMIGRATION POLICIES

TUESDAY, APRIL 22, 1986

COMMISSION ON SECURITY AND
COOPERATION IN EUROPE,
Washington, DC.

The Commission met, pursuant to notice, in room 340, Cannon House Office Building, Washington, DC, at 10:19 a.m., Senator Alfonse M. D'Amato (chairman) and Representative Steny H. Hoyer (cochairman) presiding.

In attendance from the Commission: Senator Dennis DeConcini; Representatives Don Ritter and Christopher Smith.

OPENING STATEMENT OF COCHAIRMAN HOYER

Cochairman HOYER. Ladies and gentlemen, I would like to call this hearing to order. On behalf of Senator D'Amato, the Chairman of the Commission, and myself, the Cochairman, I want to welcome each of our witnesses and others.

Let me at the outset say that Senator D'Amato right now is testifying before a Senate Committee on Legislation in which you have particular interest. He will, however, be joining us as soon as that testimony concludes.

I want to thank each of our witnesses for giving their time to appear here today before the Commission. We're fortunate to have a very knowledgeable and distinguished group of witnesses from whom I am very interested to hear.

I want to extend a personal welcome to my good friend and respected colleague, the Senator from Illinois, Paul Simon. Senator Simon has been a leader in the human rights field throughout his long and distinguished career. The Commission is indeed honored to have him here today.

Also with us is Elena Balovlenkov from Baltimore, MD, who is here to testify on behalf of the Divided Spouses Coalition. Mrs. Balovlenkov has been separated from her husband in Moscow, Yuri Balovlenkov, for over 8 years. The Commission extends its deep appreciation to you, Mrs. Balovlenkov, for sharing your thoughts with us today.

We are now 1 week into the Bern Human Contacts Experts' Meeting. At this moment, representatives of all 35 participating states are discussing implementation of those provisions calling for the greater flow of information and increased contact between people.

Those representatives are dealing with questions related to the reunification of families, marriage between citizens of different states, contacts and regular meetings on the basis of family ties, travel for personal and professional reasons, and promotion and expansion of contacts between people and between organizations.

This is a critically important meeting, for it brings forward for review and thorough discussion implementation by the participating states of certain provisions of the Helsinki Final Act, which at a very human level describes how a state treats its citizens. It is that treatment which so poignantly and clearly distinguishes the United States and its allies from the Eastern bloc.

Ten years ago in Helsinki we set an agenda. An evolutionary process commenced in which human rights became an integral aspect, not only of U.S. foreign policy but of multilateral discussions. In the decade since the accords were signed, the best has chronicled some steps forward as well as a litany of Eastern human rights violations.

In the human contacts field there have been some welcome easements in the emigration and travel policies and practices of some, but certainly not all or a majority of the Eastern bloc nations; and a net increase has been registered in East/West travel. Yet despite their Helsinki commitments, a number of the participating states continue to maintain policies stringently limiting and controlling the movement of their own citizens.

Helsinki monitor human rights activists, religious believers, unofficial peace group members and free trade unions continue to be persecuted for their efforts to maintain independent contacts with Eastern and Western counterparts.

Although the meeting in Bern is scheduled to end May 26, the efforts of this Commission and of my colleagues and of all of the Members of the House and the Senate to keep the spotlight of world public opinion on these humanitarian questions shall very definitely continue. It is the Commission's intent, indeed its very purpose, to keep alive the promises that underline the commitments undertaken by the signatories at Helsinki, for those undertakings speak to the highest and best values that we in the West rely upon as the very basis of our own society.

I want to again thank all of our witnesses who have given their time to appear before the Commission and testify on East bloc emigration policies.

We have before us, as I said at the outset, a very distinguished group of witnesses whose expertise and valuable knowledge in their respective fields is widely admired and respected. I look forward to hearing from each of them.

Now it will be my intention to deviate somewhat from the schedule, consistent with my discussions with Senator Simon who has suggested that Elena Balovlenkov testify first. Thereafter, Senator Simon will testify, and we will have the opportunity to see a film that he will present to us.

At this time I would like to ask you, Mrs. Balovlenkov, to take your seat at the microphone and present your testimony in such manner as you deem fit.

I have had the opportunity of reading your written testimony. You're welcome to go through that. It is excellent, and we will include that, of course, at this point in time in the record.

Mrs. Balovlenkov.

[The statement of Mrs. Balovlenkov follows:]

STATEMENT OF ELENA BALOVLENKOV, BALTIMORE, MD, DIVIDED SPOUSES COALITION

Mrs. BALOVLENKOV. Thank you. Thank you for inviting me to testify today on behalf of the Divided Spouses Coalition. The coalition was formed in the spring of 1985 after men and women in America and the Soviet Union struggled for many years to be reunited.

The purpose of the coalition is to increase governmental as well as public awareness of the difficult situation of United States/Soviet divided spouses. We must remember that we are Americans married to Soviet citizens who are denied exit permission or permission to marry.

In my testimony today I will focus on the general situation of Americans. The State Department representation list consists of 23 Soviet citizens married or engaged to American citizens who have been denied Soviet emigration permission at least twice. Fourteen of these spouses live in Moscow, 4 in Leningrad, and 5 live in other Soviet Republics.

The Soviet Government has denied these men and women exit permission for periods ranging from 3 to 30 years. Combating the hardship of this, Soviet authorities often deny visitor's visas to American wives, husbands, and children.

Five of these couples have one or more children. The youngest child was born less than 1 month ago. Last month this mother and baby were denied permission to visit the baby's father in Moscow.

Marriage is the most fundamental institution which unites people. The forced separation of families violates the rights of Americans as well as Soviet spouses, for even according to Soviet law these separations are illegal. Article 11 of Soviet Fundamental Legislation on Marriage and the Family states, and I quote:

> Each of the spouses is free to select his or her occupation, profession and place of residence.

And in applying to emigrate from the Soviet Union these spouses on the State Department representation list are motivated only by the desire to live with their families. Yet 90 percent of our Soviet spouses have lost their jobs as well as their professional standing.

Article 36 of the same legislation states:

> If an international treaty to which the U.S.S.R. is a signatory established rules other than those contained in Soviet laws, the rules of that international agreement shall take effect.

The 1975 Helsinki Final Act is such an agreement. The Soviet Union's obligation under the Helsinki Final Act do not contradict its own domestic policies. Furthermore, even without the accords, Soviet law provides for granting exist permission to separated spouses.

The bare minimum the American people can expect is that the Soviet Government honor its Helsinki obligations. The Soviet Union signed the Helsinki accords. It had full knowledge of its pro-

visions, since it participated in drawing up these documents. In violating the accords, the Soviet Union blatantly demonstrates a lack of respect for its own signature on this or any other document.

Such Soviet actions undermine other countries' confidence in the Soviet Union as a reliable partner in international agreements. By violating international treaties such as the International Covenant on Civil and Political Rights which states, "Everyone shall be free to leave any country, including his own," the Soviet Union casts doubts on its 1985 summit commitments.

I refer here to the section referred to as the Process of Dialog that was issued in the joint United States-Soviet communique, and it states:

> They agree on the importance of resolving humanitarian cases in the spirit of cooperation, and they believe that there should be greater understanding among our peoples, and that to this end they will encourage greater travel and people to people contact.

How can the American people believe that the Soviet Union is serious about reaching agreement on complex issues such as arms control, trade, and regional disputes, when they violate agreements on the simple matter of letting husbands, wives, and children live together. Is separating children from their parents, which has occurred in five of our cases, done in the spirit of Geneva?

I would also like to address the question of blocked marriages. Three United States-Soviet couples cannot even get married, because the Soviet Government will not allow the fiancés to enter the U.S.S.R. Does this also square with the Helsinki accords?

Recently, Georgi Arbatov complained on American television of negative portrayals of Russians in films and in media. He argues that such portrayals foster hostile feelings. But arbitrary Soviet decisions which result in separated spouses and blocked marriages go beyond mere images. These arbitrary and illegal Soviet acts are directed against American citizens.

Our marriages symbolize people's ability to bridge differences. What better way to show Soviets as warm, family loving people than by our marriages, our love and our children? Instead, the Soviet Government has chosen to make our situation a needless source of conflict, distrust, and ill will.

Soviet denial of exit visas for reasons of national security is another important point. This is often an excuse given by the Soviets to mask what is usually an arbitrary decision. Even when national security is the reason given, no further information is provided.

What are the security concerns? On what are they based, or even when will they expire? Very few Soviet spouses have ever had security clearances. The restrictions for those who did, have long since passed.

Therefore, these departures no longer pose any questionable threat to the Soviet state. Furthermore, General Secretary Gorbachev said in Paris last year that ineligibility for exit permission for security reasons has a specific limit of time, 5 or 10 years. Why then are our spouses never told when their restrictions began or when they will last?

Furthermore, in many cases husbands and wives simply never receive any official response. Eleven months ago one husband ap-

plied to join his family in America, and he is still waiting for a response.

Our husbands, wives, and fiancés wish no harm to the Soviet Union. On the contrary, we have a very vested interest in improved relations. Our request to the Soviet Government is simple. We only ask to live as families should, together. We want to be able to have our children, and we want to raise them in a secure, loving environment.

We cannot understand why this simple request seems so hard. We ask that you stand firm in your conviction about the importance of human rights. We ask that you demand full compliance with the Helsinki accords, as well as with Soviet domestic policy.

We hope you will remain resolute in defense of our rights as American citizens. We trust that you will see that the issue of divided spouses and blocked marriages receives highest priority in the Bern Human Contacts Experts' Meeting which started on April 15.

The Divided Spouses Coalition, by increasing public awareness and official representation of our issues, hopes to see all remaining cases resolved. After all, we're sort of a living bridge between the American public and the Soviet Union, and our families represent a hope for a more peaceful future.

Thank you.

Cochairman HOYER. Mrs. Balovlenkov, I want to thank you on behalf of the Commission for your statement. It is, I think, a moving statement and a compelling statement.

The concept that you allude to which is present throughout your statement, although you don't mention the word, is very much on the minds of the members of this Commission. The concept of linkage involves the relationship between undertakings that the Soviets have agreed to in Helsinki and other undertakings, particularly bilateral ones, they may take in the future and whether the Soviets can be relied upon to meet those commitments based upon their performance under the Helsinki Agreement.

As a result, I think your statement is very compelling and important, and we appreciate it. I want you to know, as I said earlier, that this statement as well as the other statements that will be made today will be taken by one of the staff members of the Commission to Bern the latter part of this week and delivered to Ambassador Novak, so that he will have this information personally available to him as he continues in his representative capacity on behalf of our Nation at the Bern Human Contacts Experts' Meeting.

Again your statement is very important, and we appreciate it.

The Commission admires and respects the ongoing courage that you have shown in making sure that divided spouses know that they are not forgotten. Your urging of, the Congress, I think, will be heeded. Not only will this Commission continue its efforts unabated, but I believe that the Members of Congress will also do that as well.

Let me, if I might, ask you just three questions. I will then turn to my colleague from Pennsylvania, Mr. Ritter, one of the most faithful, knowledgeable members of this Commission, so that he might ask you some questions as well.

Mrs. Balovlenkov, how often can Americans communicate with their Soviet spouses? Are they able to provide any kind of material support to them?

Mrs. BALOVLENKOV. It depends upon individual circumstances and a definition of communication. There are several spouses who have no problem getting letters through the open Soviet mails or making telephone calls.

There are, however, numerous cases in which, as in my own case, oftentimes a telephone moratorium is imposed, and you're unable to get through to the Soviet Union for 6 to 8 months. Then all of a sudden, the moratorium is lifted, and telephone communication is restored.

In terms of material things being sent to our spouses, that is oftentimes done, but oftentimes proves to be not economically feasible because of heavy tariffs that are imposed by the Soviet Government on any material goods coming into the Soviet Union.

Cochairman HOYER. OK. Do you have in mind any specific actions that the U.S. Government could take to ease the plight of divided spouses? Does your organization or you individually, have any specific proposals that you might like to make at this time?

Mrs. BALOVLENKOV. Our major concern is twofold. One, we will be asking the Commission and its Commissioners to investigate the possibility of having a resolution introduced in Congress on behalf of the Divided Spouses Coalition, asking that the spouses that are being held in the Soviet Union be allowed to emigrate, and that those Americans who have been fighting to get permission to enter the Soviet Union to marry get that permission.

We are also asking that, when Members of Congress travel to the Soviet Union, be it for business or any type of diplomatic meetings that have been arranged, that they not forget about separated spouses. There is, we understand, a major concern about the use of the word "linkage," but we feel that issues can be pressed and cases can be brought up and discussed without linkage. We want to be sure that we're not forgotten.

Cochairman HOYER. OK. The last question I want to ask you is: What has your experience been and that of the other divided spouses with Western publicity? Do you think it has been helpful, or that the media has been responsive to your needs? Do you believe they're keeping it on the front burner?

Mrs. BALOVLENKOV. Having dealt a great deal with the media both here and in the Soviet Union, I feel the media is very important in the sense, it's like taking out a Blue Cross and Blue Shield policy on your spouse.

We found that with media coverage there has been a decrease in harassment, in people getting picked up by the KGB for questioning, that those people that are being questioned are not being physically injured, that oftentimes even though these individuals lose their jobs or it is said to them that your interactions with Western media interfere with our ability to resolve your case we still feel it does provide security to our spouses that they won't disappear, that people will know about them.

Cochairman HOYER. In other words, the more publicity, the more exposure there is, the safer really the spouses are?

Mrs. BALOVLENKOV. We feel very strongly that this is true.

Cochairman HOYER. One of the concerns of the Commission has been, arising out of Ottawa and continuing, that sometimes we don't get the media focus that we think we need on human rights issues as they relate to the Helsinki Final Act and East-West relations in general. This Commission agrees with you that increased publicity and greater attention to these issues increases the probability of successful breakthroughs in these areas.

Mrs. BALOVLENKOV. And it's also important to remember, as Mr. Arbatov said, that they don't like the way we present the Soviets. He made the reference to the "Wendy's" commercial as one. But when Western media reports arbitrary acts like Soviets being held against their will or couples not being allowed to marry or to emigrate, it portrays facts, not fantasy, not commercial. It really is reporting what is actually occurring. If the Soviets want to change Western media, then they need to live up to their agreements, and we'll report positive happenings like the release of spouses.

Cochairman HOYER. Thank you very much. I indicated that I was going to recognize Mr. Ritter, and now Mr. Smith, Congressman from New Jersey, again one of the leaders in the Congress on human rights issues, has joined us.

Gentlemen, if I may recognize Senator Simon first, as he was supposed to testify initially. He is here to present to us a very compelling film that he was instrumental in getting to us. Senator, if you would join us all.

Mrs. Balovlenkov, if you would feel more comfortable responding to questions after the film, I know that you have not seen this film and have not seen your husband for 3 years, we will proceed accordingly. The film, obviously, will be particularly poignant for you. We understand that, and perhaps we can wait. But I'm sure that Mr. Ritter and Mr. Smith would also like to ask you some questions.

In any event, the Chairman might be here at that point in time, and he, I know, would like to ask you some questions as well.

At this time—and you don't have to leave. Mrs. Balovlenkov, I'm sure Senator Simon would like to share the podium with you—I'd like to introduce Senator Paul Simon from the State of Illinois. Senator Simon is a former member of this Commission, a former Member of the House of Representatives, former Lieutenant Governor of his State, and now in his very first year of the U.S. Senate, clearly a leader in the area of human rights.

The Chair is not objective on the question of introducing Paul Simon. I admit that on the record. Subjectively, I believe him to be one of the finest human beings and public servants with whom I've ever served, and it gives the Chair a great deal of pleasure to introduce the junior Senator from Illinois, Senator Paul Simon.

Senator SIMON. Thank you very much, Mr. Chairman, for that generous introduction. It's good to be with you and my former colleagues, Congressman Ritter and Congressman Smith also.

I do have a few comments, but I think I would like to show the film first. This is a film that has been smuggled out of the Soviet Union. For the members of the media, I am not in a position to be able to answer any questions about how we got the film, but there is no question about its authenticity. If we could show the film, I'd then like to make a few comments.

Cochairman HOYER. The Commission and, I'm sure, others would like to see that film at this time. [Film shown.]

STATEMENT OF SENATOR PAUL SIMON FROM ILLINOIS

Senator SIMON. I thank you, Mr. Chairman.

Let me just briefly summarize where we are. Just prior to the summit, in fact on the Friday evening before the summit, I got word that eight couples would be permitted to be reunited.

Since then, about 1 month after the summit, we got word on 3 more and those 11 have been reunited. In the last 2½ months, however, there has been no action whatsoever. We have 21 cases of divided spouses remaining right now, and 3 blocked marriages.

My appeal to Mr. Gorbachev is to live up to the Helsinki Accord. He indicated in his Paris press conference that he would permit spouses to be reunited. In his 5-hour speech to the Communist Party Congress, he had one sentence in there in which he said they want to have spouses reunited.

I urge him both for simple humanity as well as good public relations for the Soviet Union, because they're getting bad public relations out of this kind of a hearing, to permit spouses to get together.

Ten months ago I met with some of those people in Moscow. If you had said to me we're going to get 11 of those cases worked out, I'm not sure I would have believed it. So we have made some progress, and we want to continue to make progress.

Fran Pergericht's, husband was on that film and mentioned that Fran was pregnant. Fran has now had her baby. Why can't that proud father see that baby? You saw little Mark Levin on the film. He's 8 years old. I have seen Mark, played with him, been with him, seen the activity of a healthy little boy. Simon Levin, Mark's father, has never seen Mark other than in pictures.

Whenever I visit the Soviet Union, including the last time, one of the things they ask is: What do the American people think about star wars? I said, you ask the average person in the street about star wars, they don't understand it. But Americans do understand when people who are married are not permitted to be reunited.

Governments can do a lot of things—We're all involved in government. One of the things, fortunately, we don't have any control over is people falling in love. Governments shouldn't stand in the way of people falling in love and getting married and having a normal family life.

That's all we ask. That's what Elena is asking for herself and her husband and her two daughters. That's what the others are asking for.

I think the very fact that you hold a hearing is helpful. I think we simply have to continue to pound home the messages to the Soviets: We want simple justice and opportunity and the things that you agreed to on paper in the Helsinki accords and elsewhere.

That's all we're asking. It's not asking too much. I'd be happy to answer any questions that any of you may have.

Cochairman HOYER. Senator, I know that the first time I had the opportunity to go to Moscow was at your invitation. The first opportunity I had to meet with Dr. Yelena Bonner and others in

Moscow was in your company at our hotel, and my first real exposure was through your efforts. I personally appreciate that.

I know how committed you have been and how hard you have worked over the years when you were a Member of the House and now in the Senate on this issue.

It is, I think, incomprehensible to most Americans why such a basic decent act such as allowing families to live together, to be with one another, to see their children, and as you said to fall in love is prohibited by a state, any state, for whatever reasons.

We appreciate—I know Elena does, and thousands more whose stories we really don't know—your efforts, and thank you.

Congressman Ritter.

STATEMENT OF REPRESENTATIVE DON RITTER FROM PENNSYLVANIA

Representative RITTER. Thank you, Mr. Chairman. And I want to thank you for holding this hearing. I think it's extremely important that these kind of hearings are held, so that the American people can share with people like Senator Simon and Mrs. Balovlenkov their experiences with facets of the Soviet Union and Soviet behavior which do impinge on our national decisionmaking regarding United States-Soviet relations.

Senator and Mrs. Balovlenkov, I'd like to ask you what, in your opinion, is the reason that the Soviets withhold marriage partners from one another. I read down this list of individuals. I didn't see any claim that national security is responsible, although ofttimes Soviets make the claim for emigration—for counteremigration purposes, they make the claim that national security is at stake. I didn't really see that here. Not in the state's interest—I see, reason for refusal, none given. None given. Reason for refusal, not desirable, not desirable, none given.

What is their rationale, in your opinion?

Senator SIMON. And I am only guessing when I answer your question, because you really have to address that question to the Soviet leaders rather than to Mrs. Balovlenkov and myself. But I think in part, it is they want to discourage such marriages in the future, because almost inevitably when the marriages occur, the people ultimately want to make their home in the United States, not in the Soviet Union.

Representative RITTER. But are they afraid of a mass emigration, a mass marriage activity between Russians, Soviet citizens, and American citizens?

Senator SIMON. I can't answer that.

Representative RITTER. We're talking about a handful of people.

Senator SIMON. You're talking about a handful of people. We have, for example, far fewer exchanges with the Soviet Union than we have with China, mainland China, today. We now have about 16,000 people from mainland China in the United States right now, most of them students.

There have been no major problems. You know, you have some minor problems. But governments ought to be generous. If an American citizen marries a Soviet citizen and they want to live in

the Soviet Union, we'll permit them to do that. The Soviet Government won't permit the opposite.

Representative RITTER. Well, then why do they want to discourage this? If we're talking about a handful of people, what is it about this handful that makes them so potentially dangerous in the United States so as to make their lives miserable for years and years and years? There's got to be some rationale.

Senator SIMON. I would be interested in Elena's answer to that, what she thinks. But I think ultimately you have to direct that question to Soviet leaders and not to Elena and Paul Simon.

Mrs. BALOVLENKOV. When we kick this around as the Divided Spouses Coalition, when we discuss it with our spouses in Moscow, a lot of the reasons that we come up with, and is one which has been mentioned is the fact of discouragement of marriages. Statistically, the number of United States-Soviet marriages are up whenever there is increased trade and cultural agreements, because of exposure, basically. The more Westerners who travel to the Soviet Union, the greater percentage you have of marriages occurring.

There is also the issue here that Mr. Gorbachev, as we are well learning, is very good in public relations and media control. His speeches are very well prepared, and we don't feel it was by accident that these spouses that were allowed to emigrate—the notification was given just prior to the summit with pomp and circumstance, and that served a purpose for the Soviet Union.

It allowed them to get a great deal of publicity about a very positive aspect of families being reunited. What we are concerned about is how we can convince the Soviets or how we can convince anyone that it is in the interest of the Soviets to allow the emigration so that there's a greater benefit from the positive press that occurs, that they are interested in reuniting families and not making this a sort of contention based on diplomatic issues that are going on at the time, that there is a greater weight to that positive press than there is to the point of discouraging other Soviets from marrying Westerners.

Representative RITTER. But still—I'm just making some quick calculations here, and I come up with—if my calculations are correct—20 people. It's a hundred thousandth of a percent. It is really a small number, and I guess I still don't understand why they—I know they want to discourage it. That's what they're telling us, but why?

Mrs. BALOVLENKOV. I haven't understood it for 8 years. My husband, up until 1983, was told that he was not allowed to emigrate for reasons of "national security." His security clearance was lifted by the Soviets in 1983, in December. Since that time, he has been told that he has not been allowed to leave because he has angered the Soviets with his hunger strike, with the media coverage about his hunger strikes, and also due to the diplomatic situation that at that time was existing between the Soviet Union and the United States.

My husband is not a security risk. He never has been.

Representative RITTER. You know, when I was in the Soviet Union just prior to the summit—we were there on that joint United States-U.S.S.R. space activity, and we met with refuseniks and we met with the real Soviet peace movement. It's a very small

peace movement, the unofficial peace movement. I think it's part and parcel of the same attitude of the Soviet Government toward these groups. In addition, you have Helsinki monitors who have been crushed. You have Ukrainians and Baltic peoples and writers.

I guess we're looking at one part of the tip of the iceberg, but I still think it's very much worthwhile. You know, somebody said that the Soviets are sensitive to some of the bad media publicity that they've been getting by "Wendy's" commercials. "Rocky IV," I guess, is another part of that, and "Red Dawn" might be another part of that. But I'd just like to call the attention of people in this room to a very special film that was made by the Harvard Ukrainian Studies Program.

That very special film on the "Famine in the Ukraine in the Early Thirties" was rejected by PBS because it wasn't of sufficient quality, but then went on to win two gold medals at a major international film festival and then was rejected again by PBS.

That film was rejected by all three major networks, at least to this point today, and it could well be that the Soviets are influential in filtering some of the media that might well appear on the American scene. They certainly work very hard at doing that.

Mr. Chairman, thank you.

Cochairman HOYER. Mr. Smith.

STATEMENT OF REPRESENTATIVE CHRISTOPHER H. SMITH FROM NEW JERSEY

Representative SMITH. Thank you, Mr. Chairman. Senator Simon, it's so good to see you again, and I want to begin by commending you for your work on behalf of the blocked marriages that I think have captured the entire country's attention and sympathy.

I know, when I'm separated from my wife for more than a day, I find it very difficult; and your plight of years just must be heartbreaking. So I want to praise your tenacity and your courage and your poise in being here today.

I would like to just ask Senator Simon, you know, there are 21 cases, as you indicated. In looking at the testimony, it's my understanding, that we're talking about those Soviet citizens who have been denied exit visas at least twice. How many others are we talking about who perhaps are in the process of just applying the first time? Do we have any figures on that? How many blocked marriages there are?

Senator SIMON. There are three blocked marriages right now. But we're dealing with a fluid figure, because people continue to see each other, get married; and, inevitably, if relations do improve between our two countries, and I hope they do improve, we're going to have more and more contact, and we're going to have more and more marriages.

So what we're talking about is not simply Elena's case or Simon Levin's case or Fran Pergericht or the 21 and the 3. We're really talking about a fundamental principle, and that we're fighting for people who 1 year from now, 5 years from now, 10 years from now, are going to fall in love and get married. Governments should not stand in the way of people living together who fall in love and get married.

That's all. And it's very simple.

Representative SMITH. Have the groups, private groups and organizations like the chamber of commerce—who are points of contact for increased trade—have they been brought into this process of pressing the issue of family reunification, so that the word gets back to the Government that, if you want better trade, you certainly don't preclude marriages from being—married partners being together because of some state policy?

Mrs. BELOVLENKOV. Oftentimes that is a double-edged sword. There are times when Members of Congress going to the Soviet Union, be it whatever they negotiate, be it trade, culture or, let's say, Aeroflot getting permission to land stateside again, are reluctant to bring up separated spouses or blocked marriages because they are concerned with the use of the word "linkage;" that, you know, you don't give us what we want, we're not going to give you what you want. And they say, well, you don't want it to be a battlefield.

What we are asking is that people continue to bring these cases up. Call it a marketing campaign. There is a way that the Soviets can be reminded gently or with a club, if it takes it, that there are people who want to live together without necessarily having linkage and threatening that you're not going to do this and you're not going to do that. Call it a fair tradeoff.

Representative SMITH. I would just suggest—and I know we had a delegation go from my own district, and I met with some of the people who are going and said, bring up the cause of Soviet Jews. If you bring it up from your point of view and when other people make contact, the message will get through to the powers that be. I think these kinds of issues should be nonnegotiables.

As you pointed out in your testimony, if we have any hope of ever coming to some conclusion in the area of arms control and other kinds of international covenants, they will become meaningless, not worth the paper they're written on, if the most basic of relationships, the marriage contract, is violated so flagrantly in the cases of yourself and so many of your friends.

So I just think these kinds of things should be nonnegotiable. Where the club is necessary, the club should be used. Where gentle persuasion, that should be utilized also.

I would hope that we would continue pressing. I commend the Chairman for this hearing, because I think this, too, will become part of the process.

Thank you.

Mrs. BALOVLENKOV. Thank you.

Senator SIMON. If I could just add one final word. And I'm pleased to see Senator DeConcini here also, who has been very helpful in this whole area.

I want to see a better relationship between the United States and the Soviet Union. In some cases, that means we make some small gestures. In some cases, it means they have to make some small gestures. And one of the small gestures—and, as you said, Congressman Ritter, it is a very, very tiny gesture in terms of total numbers—one of the things that they can do very easily, very simply, is let people who are married be together.

They say they're for it. Live up to what you say. It's very, very simple.

I thank you, Mr. Chairman, and members of the committee.

Cochairman HOYER. Senator Simon and Mrs. Balovlenkov, we thank you both. I know you're going to be staying. Senator, I know your schedule is tight so before you leave Paul, I want to thank you again. Why the Soviets and other Eastern bloc nations or any nation would not take this very small step, not only because of the very small percentages involved but because of the very basic humanity involved in the step, is very difficult to comprehend. I'm not sure there is any kind of answer that I would understand to Mr. Ritter's question as to why they don't.

Clearly, we all speculate as to the reasons: Because they don't want to encourage others and they feel that even with a small break in the dike there will be, in effect, a very large flow.

Representative RITTER. If the gentleman would yield. It's simply not possible. It's not physically possible. But maybe—maybe in their wisdom in the Kremlin they have decided to be antimarriage and antilove.

Cochairman HOYER. Senator DeConcini, a member of the Commission, and one of our most faithful and active members of the Commission. Senator DeConcini.

Senator DECONCINI. Thank you, Mr. Chairman. I'm late, and I apologize for that.

[Following is Senator DeConcini's full written statement:]

SENATOR DENNIS DeCONCINI

APRIL 22, 1986

I want to thank Chairman D'Amato and Cochairman Hoyer for scheduling this hearing on Soviet and East European emigration policies which coincides with the six-week Bern Human Contacts Experts Meeting.

As my colleagues know, in agreeing to the Helsinki Accords the signatory nations have acknowledged their adherence to the principles of freedom--not necessarily to the sophisticated modes of parliamentary democracy, but to the basic rights of citizens to emigrate, to be reunited with their families, and to enjoy at least minimal respect by their government of their individuality and personal worth. Unfortunately, blatant abuse of these fundamental rights is evident in many signatory countries, particularly in the Soviet Union.

The issue of Soviet emigration policy has been an issue of concern to me since my first trip to the Soviet Union in 1978. Since that time, I have visited the Soviet Union on two other occasions, most recently in the fall of last year, and on every trip I have had the opportunity to meet with several refuseniks. Their personal stories touched me.

The Soviet emigration process itself is demoralizing. It is unpredictable and arbitrary. It instills fear and desperation in many citizens.

What is most disheartening to me is the fact that almost all the individuals I have had the pleasure of meeting during my visits to the Soviet Union are still waiting to be granted permission to emigrate. Their patience and perseverance are to be admired by all of us. After many years, they have not lost hope that someday they will be allowed to live where they choose.

I am pleased that this hearing today will draw attention to the important issues currently being discussed in Bern--the free flow of people across East-West borders for emigration, family reunification and marriage between citizens of different states.

My experience, Senator Simon, and Mrs. Balovlenkov, is that when I brought this subject up with Soviet officials, it was often confused with the Soviet Jewish emigration problem, and it was explained to me very clearly that they should be divided. I wonder if you have come across the same experience, that there may be a linkage in the mind of the Soviets as well as those Americans who bring up these issues.

Senator SIMON. I think they are separate issues to the extent that, on this issue the Soviet officials, at least on paper, say they agree with us. Gorbachev has now twice publicly said, "We ought to let spouses be reunited." So there is that difference. There is a linkage, however, in that we're talking about human rights in either event.

I've been working on a case, and I'm just going to take the liberty of mentioning it here, of a man by the name of Naum Meiman who's 74 years old now. You know, his wife now has had four cancer operations. You know, there is just no reason he shouldn't be permitted to emigrate. But that really is somewhat separate from the case of the divided spouses.

On the divided spouses, on paper the Soviets all agree with us. I remember meeting with the president of the Academy of Sciences, and he said, "Well, I hear there are some divided spouses that aren't permitted to get together, but I never see any specifics." I said, "I'll be happy to give you plenty of specifics."

They at least don't argue with you on that, while in the case of Dr. Naum Meiman or Ms. Bonner whom we met, Mr. Chairman, they give you a rough time all the time; they argue.

Senator DECONCINI. Would you care to comment on that?

Mrs. BALOVLENKOV. The coalition has requested numerous times, and we've had support when we've met with high level State Department officials, that it is a separate issue. Our reason for feeling that strongly about that, is we look at the problem as a violation of the rights of American citizens.

Every one of the members on the separated spouses and blocked marriage is an American citizen, and we are looking at the fact that our rights under the Constitution guarantee us the right to have a family, not even looking at Soviet domestic policy and their laws.

I have two children. I have a 5-year-old and a 2-year-old. The 2-year-old has never seen her father, and that is a violation of my rights. And I, as an American citizen, have the right from my Government to pursue that my rights be protected. That's why we are asking that it be presented separately, that there are no constraints.

None of these people are refuseniks. None of them have taken political stances against the Soviet Union. They want to emigrate strictly for the purposes of being reunited with their families.

Senator DECONCINI. Yes. I think that's an important point to stress, that we're not going to lessen our resolve and our intensity toward the Jewish emigration problem; but I think this issue should be separate from the divided spouse issue.

Thank you.

Representative SMITH. If I may just ask one final question, Mr. Chairman. Senator Simon, how many other blocked marriages are

there in any other countries? For instance, does Great Britain, West Germany and others have a similar situation?

Senator SIMON. We just don't have a problem with other nations. We have a problem occasionally with other Warsaw Pact nations, but even there it is a fairly limited problem compared to the Soviet Union.

Representative SMITH. No, no. My question really was this: Are other nations, nationals, like Great Britain——

Senator SIMON. Oh, having problems with this. Yes. Yes, there are problems with other nations.

Representative SMITH. Are they taking a bilateral and multilateral action?

Senator SIMON. I can't tell you what other nations are doing. Elena, you may know.

Mrs. BALOVLENKOV. I'm not really an expert on that. My understanding is that, while there are some blocked marriages and separated spouses from other countries, that it is not to the extent at which it is with the United States. Also, too, with the meeting with Gorbachev and Mitterand in France, a lot of the European cases were resolved.

We really are only now trying to focus in bringing in the European aspect with members of the Divided Spouses Coalition being at the Bern meeting, and also when I traveled to Geneva with Simon Levin, that we are finding that that also is a source of support for us. But it's not something that we've tapped extensively.

Senator SIMON. I might add one other thing. In about 80 percent of the marriages, there is no problem. You know, people are permitted to emigrate. In 20 percent of the marriages, for reasons that just baffle me because I don't see any pattern, there just is no pattern—we run into all kinds of problems.

Representative RITTER. Senator—if the Senator would yield for one last comment. Could it be that the reason that there is a certain percentage of harassed victims that they are trying to prevent the possibility, however remote, that the West could use marriage as a tool to assist those persecuted populations who wish to emigrate? Is that a possibility?

Senator SIMON. Again, I can't speak for Soviet officials. I just don't know what their reasoning is. It could be. It's really straining to figure out something like that. In part, it just may be the redtape. If we think we have redtape problems here, the Soviet Union is thoroughly enmeshed in redtape problems.

Representative RITTER. I think, you know, in all candor, Senator Simon, this is well beyond redtape.

Senator SIMON. Oh, no question about it, but I think redtape may be an added problem on top of everything else.

Representative RITTER. This is red chains.

Cochairman HOYER. Senator, as you know, our chairman has come in. Mrs. Balovlenkov, our chairman, Senator Al D'Amato from the State of New York. Senator D'Amato.

STATEMENT OF CHAIRMAN D'AMATO

Chairman D'AMATO. Senator—first of all, Congressman, I want to thank you very much for moving ahead with the hearing. Let

me commend Senator Simon for his leadership in this area of divided spouses. I think, as a result of his concern, he has helped immeasurably to bring about the reunification of a number of families right after the summit. None of that came about without constant pressure on the Soviet Government. So I'd like to commend you and urge you to continue on that course, and pledge to you the total cooperation, I know, of our cochairman and the entire Commission.

[Following is Chairman D'Amato's full written statement:]

22 APR 86

SENATOR ALFONSE D'AMATO
OPENING STATEMENT FOR
HELSINKI COMMISSION HEARING ON
EAST BLOC EMIGRATION POLICIES AND
HUMAN CONTACTS

THIS MORNING'S HEARING WAS ORIGINALLY SCHEDULED TO COINCIDE WITH THE OPENING OF THE HUMAN CONTACTS EXPERTS' MEETING IN BERN, SWITZERLAND, ON APRIL 15TH. THE HEARING WAS RESCHEDULED TO OCCUR TODAY BECAUSE OF THE UNTIMELY PASSING OF OUR COLLEAGUE AND FRIEND, CONGRESSMAN JOE ADDABBO, WHOSE FUNERAL SERVICE WAS HELD IN NEW YORK ON THE MORNING OF THE 15TH. I EXTEND THE COMMISSION'S APOLOGIES TO OUR WITNESSES AND TO ALL OTHER INTERESTED PARTIES WHO WERE AFFECTED BY THE CHANGE IN OUR PLANS.

THE HUMAN CONTACTS EXPERTS' MEETING OPENED ON SCHEDULE IN BERN. MICHAEL NOVAK IS LEADING THE U.S. DELEGATION THERE. HE IS DEALING WITH THE ISSUES WHICH ARE THE SUBJECT OF THIS MORNING'S HEARING. THESE ISSUES ARE FUNDAMENTAL TO FUTURE RELATIONS BETWEEN THE EAST AND WEST.

OUR WITNESSES THIS MORNING INCLUDE BOTH DISTINGUISHED EXPERTS ON EMIGRATION ISSUES AND PERSONS WHO HAVE HAD DIRECT PERSONAL EXPERIENCE WITH SOVIET VIOLATIONS OF THEIR HELSINKI FINAL ACT HUMAN CONTACTS COMMITMENTS. SENATOR PAUL SIMON WILL APPEAR TO DISCUSS A VIDEO TAPE PREPARED BY SOVIET SPOUSES WHO HAVE NOT BEEN ALLOWED TO JOIN THEIR FAMILIES IN THE UNITED STATES. WE LOOK FORWARD TO HEARING FROM ALL OF THESE WITNESSES.

IN CONJUNCTION WITH THE OFFICIAL BERN HUMAN CONTACTS EXPERTS' MEETING, A GROUP OF NON-GOVERNMENTAL ORGANIZATIONS CONVENED A PARALLEL HELSINKI REVIEW CONFERENCE IN BERN LAST WEEK. ANATOLY SHCHARANSKY SENT THIS PARALLEL CONFERENCE A MESSAGE WHICH WAS PUBLISHED IN THE NEW YORK TIMES ON APRIL 13TH. HE SPOKE ELOQUENTLY ON MANY OF THE ISSUES WE WILL BE DISCUSSING TODAY. I WOULD LIKE TO READ TO YOU A PART OF HIS STATEMENT. IT READS AS FOLLOWS:

"TEN YEARS AGO, SEVERAL DISSIDENTS IN THE SOVIET UNION CREATED A PUBLIC GROUP TO MONITOR MOSCOW'S COMPLIANCE WITH THE HELSINKI AGREEMENTS. OUR IDEA WAS THAT MANY OF THE HUMAN RIGHTS ISSUES THAT DIVIDE THE GOVERNMENTS OF THE EASTERN AND WESTERN BLOCS COULD BE AGREED UPON BY INDEPENDENT REPRESENTATIVES OF PUBLIC OPINION -- PEOPLE IN BOTH EAST AND WEST WHO HAVE A VITAL INTEREST IN THE IMPLEMENTATION OF THE HELSINKI AGREEMENTS IN THEIR OWN COUNTRIES. SO WE VOLUNTARILY TOOK UPON OURSELVES THE TASK OF EXAMINING HOW THE

HELSINKI AGREEMENTS WERE BEING IMPLEMENTED IN THE SOVIET UNION."

"TEN YEARS HAVE PASSED, AND WHAT DO WE SEE? THE JEWISH EMIGRATION THAT BEGAN IN THE EARLY 1970'S HAS BEEN BROUGHT TO A STOP BY THE SOVIET AUTHORITIES. SEVERAL HUNDREDS OF THOUSANDS OF SOVIET JEWS WHO WANT TO LEAVE THE SOVIET UNION CANNOT DO SO FOR NO OTHER REASON THAN THAT THE SOVIET GOVERNMENT HAS DECIDED THAT THEY CANNOT."

"I SPENT NINE YEARS IN SOVIET PRISONS AND CAMPS, AND I CAN CERTIFY THAT THE CONDITIONS IN WHICH POLITICAL PRISONERS ARE DETAINED HAVE BEEN GETTING STEADILY WORSE. . . ."

". . . WHY IS THIS SO IMPORTANT? BECAUSE, AS A RULE, THE POLICY REGARDING THE CAMPS VERY MUCH REFLECTS THE GENERAL SITUATION IN THE COUNTRY -- THE DISREGARD FOR THE RULE OF LAW AND THE HARSHNESS OF THE REPRESSION. . . ."

"LOOKING BACK AT THE FIRST DOCUMENTS ISSUED BY OUR HELSINKI GROUP 10 YEARS AGO, I MUST SAY THAT THE LONGER I SPENT IN PRISON, THE MORE ACCURATE THEY SEEMED AND THE MORE IMPORTANT. I ALSO BELIEVE THAT IT IS MORE NECESSARY THAN EVER NOW FOR INTERNATIONAL PUBLIC OPINION TO PRESS THE SOVIET UNION ON THESE MATTERS. IT IS HIGH TIME FOR MOSCOW TO BEGIN COMPLYING WITH THE HELSINKI AGREEMENT SIGNED IN 1975."

SHCHARANSKY'S WORDS CLEARLY AND FORCEFULLY DESCRIBE THE CURRENT SITUATION AND CHART THE TASK AHEAD OF US. SURELY, NO ONE HERE WILL DISAGREE THAT IT IS INDEED HIGH TIME FOR MOSCOW TO BEGIN COMPLYING WITH THE HELSINKI FINAL ACT. THIS MORNING, WE WILL ONCE AGAIN DOCUMENT THE HUMAN COSTS OF THEIR FAILURE TO COMPLY WITH AN AGREEMENT THEY FREELY SIGNED MORE THAN A DECADE AGO.

THE BALOVLENKOV CASE TOUCHES US ALL. THE FACES AND THE VOICES OF THE SPOUSES ON THE VIDEO TAPE MAKE A POWERFUL STATEMENT OF THE HUMAN COSTS OF STATE ACTION SHATTERING FAMILIES AND STEALING YEARS OF HAPPINESS. OUR EXPERT WITNESSES WILL PROVIDE STATISTICS TO SHOW THAT THESE ARE NOT ISOLATED CASES. THEY ARE, INSTEAD, TYPICAL OF THE RESULTS OF THE SOVIET UNION'S INHUMANE AND BARBARIC POLICIES.

SHCHARANSKY SAYS THAT IT IS MORE NECESSARY THAN EVER NOW FOR INTERNATIONAL PUBLIC OPINION TO PRESS THE SOVIET UNION ON THESE MATTERS. THE PROBLEM IS THAT WESTERN PUBLIC OPINION REACTS TO BOTH THE PERSONAL PLIGHT OF THE VICTIMS OF THESE SOVIET VIOLATIONS AND TO THE STATISTICS PROVING THAT THESE VIOLATIONS ARE THE RESULT OF DELIBERATE AND CONTINUING POLICIES OF THE SOVIET STATE WITH LITTLE MORE THAN A SHRUG. IT IS IF THE PEOPLE OF THE WEST ARE SAYING, "SO WHAT'S NEW ABOUT THIS?"

THE STORIES ARE THERE. THE FACTS ARE THERE. OUR JOB HERE IS TO TELL THE TRUTH. TRUTH, AFTER ALL, IS THE BEST ANTIDOTE TO SOVIET LIES AND DECEPTION. SO LONG AS WE REMAIN TRUE TO OUR VALUES AND STAND UP FOR OUR PRINCIPLES, MEMBERS OF DIVIDED FAMILIES, PARTNERS IN BI-NATIONAL MARRIAGES, PERSONS WITH DUAL CITIZENSHIP, AND PEOPLE SEEKING TO EXERCISE THEIR RIGHT TO EMIGRATE WILL HAVE HOPE. THEIR SUFFERING IS A TRIBUTE TO THE NOBILITY OF THE HUMAN SPIRIT AND A TORCH LEADING US FORWARD IN THE STRUGGLE FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS.

THIS MORNING'S HEARING SHOULD SEND A MESSAGE TO THE 35 CSCE SIGNATORY STATES MEETING IN BERN. THEIR PROGRESS IS A MATTER OF VITAL CONCERN NOT JUST TO THIS COMMISSION, NOT JUST TO THE CONGRESS, BUT TO THE AMERICAN PEOPLE AND THE PEOPLE OF THE WORLD. RESOLUTION OF THE OUTSTANDING CASES AND RELAXATION OF RESTRICTIONS ON EMIGRATION ARE POSSIBLY MORE IMPORTANT TO THE FUTURE OF U.S. - SOVIET RELATIONS THAN ANY ARMS DEAL.

AFTER ALL, WE HAVE DIFFERENCES WITH THE SOVIETS NOT BECAUSE WE ARE BOTH ARMED, BUT WE ARE BOTH ARMED BECAUSE WE HAVE BASIC AND FUNDAMENTAL DIFFERENCES. THESE DIFFERENCES ARE NOWHERE ON ANY MORE CLEAR DISPLAY THAN THEY ARE IN THE TESTIMONY WE EXPECT TO HEAR THIS MORNING. IF SOVIET BEHAVIOR IN THESE AREAS WOULD CHANGE, THEIR CREDIBILITY IN OTHER AREAS

WOULD IMPROVE DRAMATICALLY, AS WOULD CHANCES OF ACHIEVING LASTING AGREEMENTS WHICH WOULD REDUCE THE RISK OF WAR.

BEFORE HEARING FROM THIS MORNING'S WITNESSES, I TURN TO MY DISTINGUISHED CO-CHAIRMAN, CONGRESSMAN STENY HOYER OF MARYLAND, FOR ANY COMMENTS HE MAY HAVE.

CONGRESSMAN HOYER.

Senator SIMON. And let me simply add my appreciation for this Commission. I served, as some of you know, on the Commission for a while when I was in the House. I think what you're doing, simply to keep the steady drops of water, is important. Eventually, we win a few battles. If the climate changes for some reason or another, your good work can be just absolutely invaluable in creating opportunity for people who need opportunity.

Again, I thank you very much.

Chairman D'AMATO. Thank you, Senator. Mrs. Balovlenkov, thank you very much.

We have three witnesses we will call together, Felice Gaer. Felice has been the executive director of the International League for Human Rights since 1982, and she's speaking today on the basis of her extensive work in human rights, and the views she is presenting are her own.

Dr. William Korey is director of the International Policy Research for B'nai B'rith. He has written numerous articles on human rights issues. Bill Korey was recently named as the private sector representative to the Bern Human Contacts Experts' Meeting. And Dr. Sidney Heitman, professor of history at Colorado State University, has written and lectured on Soviet history and human rights, German and Armenian emigration, an area of particular interest for Professor Heitman.

We'll start with Felice.

STATEMENT OF FELICE D. GAER, EXECUTIVE DIRECTOR, INTERNATIONAL LEAGUE FOR HUMAN RIGHTS, NEW YORK, NY

Ms. GAER. Thank you, Mr. Chairman.

It is a pleasure to appear here in my personal capacity before the Commission as the Bern Conference on Human Contacts is beginning its official review. I would like to preface my analysis by noting that this Commission and its dedicated and talented staff and its official members have themselves become an important element in the promotion of family reunification and enhanced human contacts between the nations of the Eastern bloc and the West.

Not only would the East European emigrants appeal to this body itself, but the meticulous and thorough pursuit of their cases by the staff and members of the Commission have resulted in the successful resolution of many cases that were really presumed to be hopeless at the outset.

For this, you and your staff and their predecessors merit the warmest praise from all of us pressing to end the personal tragedies of the kind we have seen earlier today, husbands separated from wives, as well as parents separated from children, brothers and sisters living apart for years on end.

I've been asked to speak about emigration policies from Eastern Europe. To do that requires some courage. Eastern Europe is a crazy quilt of nations, cultures, languages, and peoples united by geography and, unfortunately, since World War II, by the common historical experience of Soviet occupation and the imposition of political structures based on the Soviet model. Yet by culture, histo-

ry, ties with the West and other factors, they are very different nations, and they must be understood as such.

One of the legacies of this political experience has been the attitude of these nations toward freedom of movement. In the main, they do not recognize this as a right. The right to leave does not exist. It is a privilege possibly to be bestowed by the state. Since the Helsinki Final Act was concluded, East European family reunification efforts have, as a rule, improved.

For the most part, however, the process of obtaining permission to emigrate, or even to travel abroad temporarily to visit family members, remains arbitrary and complex throughout the region. In many states it is accompanied by reprisals that are directed against the applicant and his family. These range from job dismissals to demotions, to denial of access to education, to surveillance, criminal penalties, imprisonment and, in some cases, even arbitrary killings.

This is a chilling list. It represents the full range of actions taken against different East Europeans by their government solely because they wish to leave their country. Emigration, in short, is viewed as an antistate act, and it is discouraged for many reasons, not the least of which is the fear that, as one very high East European official confided to me—and I quote—"If we open our borders, in 24 hours our country will be empty."

The nations of Eastern Europe are all party to the International Covenant on Civil and Political Rights, whose article 12 guarantees the right to leave and to return to one's country. When ratifying the Covenant, none of these countries submitted any reservations to the United Nations regarding this right, and they are all signatories to the CSCE Final Act and the Madrid Concluding Document.

Because international agreements do have meaning, and because the right to leave is, as Senator Jackson stated, the touchstone of all rights, the final resort when all else seems unbearable, it is fitting to examine East European emigration policies and to continue to press for free exit for all who seek it.

Mr. Chairman, in my testimony I go through each of the countries in the region with the exception of Yugoslavia, which I know the Commission does not normally focus on and which, I might say, in the area of emigration has a very good record.

In the remainder of my time I thought I would just summarize some of the trends throughout the region without dealing with each of the countries. I do, however, in my testimony, focus more extensively on the cases of Romania and East Germany because of the harshness of the cases, because of the extensive documentation and information available.

By-and-large, the right to leave is, and family reunification efforts are well respected comparatively speaking in Hungary and Poland. Whereas, Czechoslovakia is much more severe; and the three hard core cases in Eastern Europe are those of Bulgaria, Romania, and East Germany.

Family reunification is acknowledged only for first degree relatives in these countries, but it is on occasion permitted in practice for others. There are special circumstances, dissidents, for example, even in some of the most mild East European countries are some-

times forbidden passports. In other cases, they're encouraged to leave so that, when abroad, their citizenship can be revoked. As a result, of course, many of them refuse to go, even for the most distinguished circumstances.

There are also severe problems—and I draw attention to the East German case with regard to attempts to cross borders. There are attempted illegal departures from these countries across the region. Sometimes the people who attempt to leave are arrested. In some cases they are killed. I describe some of this in the testimony.

The situation in Romania and East Germany is the following. There really are significant numbers of people who leave annually from these countries, as compared to other parts of Eastern Europe. To some extent, they are bought. The West German practice in this regard is well known. To some extent they are leveraged out through trade or other kind of agreements that are linked to the departure of these individuals.

The process in almost every case is arbitrary, lengthy, complex, involves denials, hardship, delay as a deliberate strategy; and in the case of Romania, for example, the excessive fees that are charged are—well, they're additional source of state income, and some of the cleverness with which they are imposed is mindboggling and depressing.

At the International League for Human Rights the family reunification program has documented a wide range of cases of elderly or infirm people who are not permitted to travel abroad to reunite with their families or for medical treatment, though it's provided for in the Helsinki Final Act. They have documented a large number of cases of people who have been waiting to leave for 20 years or more to reunite with first degree relatives, and that has not been possible.

Additionally, throughout the region you have widespread reprisals of the sort I mentioned in my initial remarks.

I would be happy to answer any questions you might have.

[Following is Ms. Gaer's full written statement:]

THE RIGHT TO LEAVE:
EAST EUROPEAN EMIGRATION POLICIES

STATEMENT BY

FELICE D. GAER

BEFORE THE

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

OF THE

U.S. CONGRESS

APRIL 22, 1986

The Right to Leave: East European Emigration Policies:

Statement by Felice D. Gaer,

Executive Director
International League for Human Rights*
432 Park Avenue South
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212-684-1221

As the Bern Conference on human contacts begins its official review, it is a pleasure to appear here, in my personal capacity, before the Commission on Security and Cooperation in Europe, to discuss East European emigration policies. I would like to preface my analysis by noting that this Commission and its dedicated and talented staff and official members have themselves become an important element in the promotion of family reunification and enhanced human contacts between the nations of the Eastern bloc and the West. Not only do would-be East European emigrants appeal to this body, but the meticulous and thorough pursuit of their cases by the staff and members of the Commission have resulted in the successful resolution of many cases that were presumed to be "hopeless" at the outset.

For this and for the efforts that continue, Mr. Chairman, you and your staff and their predecessors merit the warmest praise from all of us pressing for emigration rights to be respected, seeking to end the personal tragedies of husbands separated from wives, parents separated from children, and brothers and sisters living apart for years on end.

A review of emigration policies across Eastern Europe merits pause. Eastern Europe is a crazy quilt of nations, cultures, languages, and peoples united by geography and, since World War II, by a common

* For Identification Purposes only. The findings and views represented here do not necessarily represent those of the International League for Human Rights.

historical experience: Soviet occupation and the imposition of political structures based on the Soviet model. Yet, by culture, history, ties with the West, and other factors, they are very different nations and must be understood as such.

One of the legacies of this political experience has been the attitude of the nations in the region towards freedom of movement: in the main, it does not exist as a right. It is instead a privilege possibly to be bestowed by the state. Since the Helsinki Final Act was concluded, Eastern European family reunification efforts have, as a rule, improved.

For the most part, however, the process of obtaining permission to emigrate -- or even to travel abroad temporarily to visit family members -- remains arbitrary and complex. In many of the states in the region, it is accompanied by reprisals directed against the applicant and his family. These range from job dismissals or demotions to denial of access to education, to surveillance, criminal penalties, imprisonment, and in some instances, even arbitrary killings. This is a chilling list. It represents the range of actions taken against some East Europeans by their governments solely because they wish to leave their country. Emigration is viewed, in the main, as an "anti-state" act. It is discouraged for many reasons, not the least of which is the fear that, as one high East European official told me, "If we open our borders, in 24 hours our country will be empty."

Yet the nations of Eastern Europe are all party to the International Covenant on Civil and Political Rights, whose article 12 guarantees the right to leave -- and to return -- to one's country. When ratifying the Covenant, none of these countries submitted any reservations regarding this right. They are all signatories to the CSCE Final Act which details

efforts each state agrees to take to promote family contacts and reunification. Because international agreements have meaning, because the right to leave is, as Senator Jackson stated, the "touchstone of all rights", the final resort when all else seems unbearable, it is fitting that we examine East European emigration policies and continue to press for free exit for all who seek it.

The following pages survey emigration policies in Eastern Europe. Because of the severity of the situations, and the abundance of case documentation available, discussions of Romania and East Germany are considerably more detailed.

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Bulgaria: Bulgaria continues to be one of the most restrictive East European nations regarding emigration. Neither travel abroad nor emigration is considered a right available to citizens. Travel abroad is severely restricted and may be prohibited on such vague grounds as that it is "not in the state's interest" or is "not suitable" in view of the international climate. More commonly, when travel or emigration requests are denied, no official reason is given at all.

Emigration is permitted only rarely. Over the years, in connection with the "Helsinki process", and like other East European states, a number of divided family cases have been resolved by the authorities. The numbers, however, are quite small. Fees and even educational repayments to the state are reported to be required of prospective emigrants.

Reportedly, ethnic Turks are not permitted either travel or exit visas, despite the Turkish Government's offer to facilitate such departures. Forced "bulgarization" of ethnic Turks in late 1984 and through 1985 has exacerbated the effects of this no-emigration policy. Bulgaria's ethnic assimilation program directed against ethnic Turks was

reportedly quite brutal; estimates of 100-200 deaths were reported to result from it, together with riots and numerous coercive and violent acts.

Czechoslovakia: The right to leave Czechoslovakia is highly restricted. Emigration is significantly discouraged. When permitted, it is normally available only for (a) those seeking to join a spouse already a citizen of a foreign state or (b) elderly retired persons, whose children are citizens of another country.

For those still in the work force, the process of applying to leave is lengthy, decisions are highly arbitrary and must be repeated time an time again. Reports of reprisals against would-be applicants include job or housing loss. Those seeking to leave must pay the state an education tax to reimburse the state; these are reported to be substantial, amounting to the equivalent of six months of wages.

An estimated 300- 1000 of those seeking to leave Czechoslovakia without official permission have been sentenced to jail tems. In 1984, Austria protested officially when a Czechoslovak border guard shot and killed a would-be refugee who had crossed into Austria.

Despite all these negative sanctions, however, it has been estimated, however, that several thousand Czechoslovak citizens are permitted to emigrate annually. Thousands of others travel abroad to visit their relatives. Since the Helsinki Final Act, there has been a reported improvement, overall, in resolving divided family cases.

Hungary: Hungarian practice on foreign travel by its citizens is more liberal than that permitted by most other East European countries. Hungarians may travel abroad once a year, subject to certain currency restrictions.

Hungarian laws on emigration, however, are not liberal. They were however made more fair than before with the passage of Decree Law #20 of 1978, and have since been amended by Decree Law #18 of 1982. These provide that emigration is normally available only for those citizens seeking to rejoin parents, children or a spouse abroad, for those 55 years old or more, for those without private or public support obligations in Hungary, and for those who have completed military service or who have received special permission from the Ministry of Defense to depart. In special cases, exceptions are permitted and they are often granted. An overwhelming proportion of those eligible to apply to emigrate for family reunification purposes receive such permission.

For the most part, those seeking to emigrate are not subjected to sanctions for submitting their applications. However, as in other countries, those who are in official disfavor, particularly dissident intellectuals, on occasion have been prevented from travelling temporarily abroad unless, for example, they agreed to emigrate permanently. (E.g., this choice was offered to Gaspar Miklos Tamas.)

Poland: According to Polish authorities, "Polish citizens have the right to leave their country as provided for by the Passport Law of June 17, 1959," as amended. In 1983, this law was significantly liberalized. Despite this, emigration is still essentially a privilege to be granted by the state, rather than a right of the citizenry.

Applicants may be refused passports on several counts : if there are pending penal prosecutions; if justified by social considerations (e.g., the need to care for a dependant, a lack of funds to suport oneself abroad, etc.); if national security, protection of state secrets, or the national economy could be damaged; or "if the applicant has occasioned

damage to the interests of ...[Poland] by his earlier conduct abroad" or "harmed the good reputation" of Poland within the past two years prior to application.

Despite these significant restrictions, which exceed the narrow exceptions countenanced under international law, there are reportedly proportionately fewer denials of passport applications for family reunification purposes in Poland than is true in other East Eurpoean states with the exception of Hungary. Most refusals are for those working in scientific or industrial research. Some prominent dissidents have been denied passports (although the authorities actively encouraged the emigration of such persons for a significant period following Martial Law). Others, fearing the revocation of their citizenship when abroad, have refused to apply for a passport at all.

There are reported instances where decisions on passports have been overlong in coming. Still, some 6000 persons were reported to have emigrated from Poland during Martial Law despite a temporary hiatus on all passport applications during the early part of this period. The number of divided Polish families, particularly with the U.S., is substantial. Additionally, some 125,000 Poles were abroad when Martial Law was instituted, and did not return. As in the case of Romania (see following discussion), restrictive U.S. immigration policies have been a factor slowing the emigration of Poles to the U.S. for family reunification purposes.

Romania

Many thousands of persons wish to leave Romania. Because of the Romanian Government's restrictive policies, it is impossible to determine exactly how many persons actually apply annually for exit permission. According to May 1985 U.S. State Department figures, approximately 150,000 persons have been granted entry visas in the past ten years to three countries alone, the U.S.A., Israel, and Federal Republic of Germany. It is estimated that since 1980 approximately 2,000 persons annually emigrate to the U.S.A., 12,000 to West Germany, and in excess of 1,000 to Israel.

Persons seeking to leave Romania aften suffer particular hardship. Merely for requesting permission to leave, many families have suffered reprisals at the hands of administrative authorities and a number have endured interminable delays in the processing of their exit applications, in itself another form of administrative sanction.

The right to leave is not safeguarded in Romanian law: it is not mentioned in the current Romanian Constitution, and there are no specific domestic laws guaranteeing the right to leave. On the contrary, various provisions stipulate lengthy and complex conditions for acquiring exit visas and passports. In the absence of legal guarantees to protect citizens' rights to leave, the State's claim of the right to control the movement of its citizens goes unchallenged. The State exercises unharnessed power to determine who may leave, when, and under what circumstances.

In Romania, the right to leave is severely qualified even in domestic legislation. These laws are applied in such a way that an alarming curtailment of emigration rights results.

Article 12 of the Romanian Decree on Passports provides for complete Government discretion in the issuance of documents for foreign travel. It empowers Romanian authorities to deny or withdraw a passport when "by going abroad, a Romanian citizen could prejudice the interests of the Romanian state or affect good relationship thereof with other states." The vague wording of this decree permits arbitrary denials of passports and contemplates restrictions on the right to leave far exceeding those permitted under international law, namely "those necessary to protect national security, public order, public health or morals or the rights and freedoms of others."

Other legal provisions ensure strict State regulation of movement from the country:

-- One decree governing travel limits the validity of exit visas to only six months from the date of issue.

-- Another stipulates that personal travel is permitted only once every two years, with certain exceptions regarding family reunification or obtaining medical care.

-- Yet another makes State permission for personal travel contingent on "the limits of available foreign currencies as established for this purpose through the annual State Plan and in accordance with the criteria and preferential order established by the Resolution of Council of Ministers."

-- Before being permitted to leave to marry a foreign national, citizens must also seek and receive separate permission to wed from the Romanian Parliament.

As in other areas of State control in Romania, there is no possibility for independent judicial review of State denials of permission to travel.

As noted above, Romanian law exempts travel for purposes of family reunification and for obtaining medical care from certain restrictions applicable in other cases of personal travel. In practice, however, travel from Romania is severely and routinely limited irrespective of the would-be traveler's purpose.

Many cases involve family members who wish to emigrate to rejoin relatives abroad. As a result of travel denials, husbands are separated from wives, and children from parents. Even in the most compelling circumstances denials are common.

Particularly cruel is the denial of the right to leave in those cases involving elderly and often ill applicants whose children are already in the West. There can be no justification for withholding emigration permission in these cases. The individuals concerned are pensioned, and it has been many years since they were members of the work force; in addition, these cases do not involve issues of State security. Moreover, under the Final Act and the Madrid Concluding Document, such cases are supposed to receive special priority with a view to resolving them.

The League has documented 68 such cases in recent years. Those involved ranged in age from 60 years. When they applied, some were seriously ill, such as: Borislav Nikolin who was partially paralyzed; Theresia Michelbach, who suffered from hardening of the arteries as well as stomach problems; Michael Weber, 83 years old, suffered from a stomach disease for which he has twice undergone surgery, and his wife Elisabetha, almost blind; Anna Bieber, 70 years old, suffered from arterial

hypertony, arteriosclerosis, and myocardial sclerosis; her husband Jakob Bieber, 80 years old, had myocardialsclerosis and adenoma of the prostate. Many of these individuals have needed medical treatment available only in the West.

Hardship in some families has been particularly acute in view of the very meager pensions on which they must subsist. In several cases, these have been as low as $6 or $10 (U.S.) dollars a month.

Inordinate delays in Romania's emigration application process continue to be reported. These far exceed the six-month period stipulated in the Madrid Concluding Document. Partly responsible are cumbersome and obscure procedures coupled with bureaucratic indifference. Applying to emigrate is a two-level process in which applicants must acquire, submit and receive decisions on both a "short" and "long" applicaton form. A number of individuals have reported that even obtaining the forms can be a frustrating process. On more than one occasion it has been reported that after filing the applications, one or both of the forms have been "lost" or filled out incorrectly; for example, officials use minor misspelling as an excuse for requiring the entire process to begin anew.

However, the length of delays in many cases is so extended that simple bureaucratic inefficiency cannot be blamed. Delay seems to be a deliberate strategy by Romanian authorities to deny the right to emigrate. A large number of persons have been applying for permission to leave Romania for many years, in some cases well over two decades. In 1985, the Family Reunification Project of the International League for Human Rights reported the

following persons' emigration requests had been pending for more than 20 years:

Elisabetha Haecker (60 years old)
Mathias and Margareta Wilhelm (77 and 73)
Josef and Barbara Lindemann (both 61)
Ignatz and Katharina Schmidt (81 and 77)
Anton and Elisabeth and Katharine Kilzer (67, 58, and 8?
Josef and Anna Eberle (82 and 76)

In addition, Romanian authorities use economic and other administrative reprisals against the would-be emigrant. For some, these practices signify a continued campaign of intimidation against them--the same factors that initially prompted their desire to leave; for others this treatment may mark the beginning of a long and torturous ordeal.

In Romania, the unemployed are often treated as second-class citizens and may even be criminally prosecuted for "parasitism." Therefore, dismissal from employment can be a severe sanction for an emigration application and an effective deterrent for others who might wish to apply. A number of individuals in League-documented cases were fired from their jobs soon after requesting permission to emigrate. According to the International League, several persons, apparently blacklisted from employment, were unable to find other work although skilled in their professions. In other cases, emigration applicants have been demoted to lower-paying positons far beneath their capabilities: for example, professors must work as unskilled laborers in factories Students in families applying to emigrate have reported discrimination with regard to education. A number of families reported that their children have not been permitted by authorities to enroll in school. Others have been evicted

from their homes or given inadequate housing. Many emigration applicants have been deemed ineligible to receive State benefits such as medical and dental care, hospitalization and pensions.

Apparently, the Romanian authorities have also instituted a new sanction: the exacting of large cash payments from the applicants. Numerous cases documented by the International League report that Romanian Government agents requested bribes or unofficial payments of up to $3,200 (U.S.) as a prerequisite to emigration permission. Western diplomatic sources have also reported on this new practice. Such payments seem to have replaced and are a substitute for the Education Tax, which was to be imposed after November 1982 for all emigration applicants who had received education beyond the compulsory level of ten years. The practice of taxing emigrants for their education was abandoned by Romanian authorities after strong U.S. Congressional and Reagan Administration protests.

The financial hardships involved in emigrating are compounded by the relatively high costs of obtaining the passports and/or exit visas in Romania. Despite the components of the Madrid Concluding Document, the cost of Romanian exit documents remains very high in comparison with monthly income. Extensions of visas cost additional sums, as does renunciation of Romanian citizenship, which is required for those emigrating permanently.

Finally, regarding emigration from Romania, the League wishes to draw attention to another problem faced by the many Romanians who wish to emigrate to the U.S. to rejoin family

members: Hundreds of such applicants have already received Romanian exit visas but have not yet been granted U.S. immigration permission. These families have applied to leave Romania under the United States State Department's Third Country Processing Program (TCP), which encouraged emigration from Romania but was discontinued in 1982. The Romanian Government, believing that the United States would not be able to take many of the applicants, began to issue passports to those wishing to emigrate to the United States and other Western European countries (except the Federal Republic of Germany). These individuals, many of whom were forced to give up their jobs or homes after applying to emigrate, live in particularly distressing circumstances. One example is the Bondoc family, described below:

Nicolae Bondoc in December 1983 applied, together with his wife and daughter, for a passport to join his mother in the United States. His mother, Lise Bondoc-Wendler, is married to an American citizen and is herself a permanent resident of the United States.

He received his passport and permission to leave Romania in December 1984. However, he has not been able to receive a U.S. immigration visa. In fact, the family reports that the U.S. Embassy in Bucharest has not been particularly helpful, citing the already large number of such applications to be processed at the Embassy.

As soon as Mr. Bondoc received his Romanian passport he and his wife lost their jobs. He was a construction engineer and she a technical draftswoman. The Romanian Government now reportedly

forbids them to work, even at menial jobs. Their child cannot attend school unless they pay $200 (U.S.) a month for her schooling. In addition, they must now pay for medical and legal services in U.S. dollars. Since Romanian citizens are not allowed to have foreign currency, Mr. Bondoc's mother must send them large sums of money to help them survive. The Romanian family's only other means of support comes from selling their furniture and other possessions.

Under United States immigration policy, immigration visas are given to those who have first-degree relatives in the U.S. or are themselves citizens or permanent residents of the U.S. The Bondoc family fits this category. It appears that there are no grounds for not granting Mr. Bondoc's application.

Other emigration applicants to the U.S. in the League's caseload face similar hardships and merit attention. There are many aspects of Romanian emigration policy that are beyond the immediate influence of the U.S. Congress and Executive branch. But U.S. immigration policy is something that could be corrected to help the Bondoc's and the many Romanians encouraged by U.S. efforts to promote free emigration who then find their hopes of leaving and beginning a new life in a free society dashed by restrictive immigration policies here.

East Germany:

The East German Government has asserted that it respects the right to leave "in conformity with Article 12 of the Covenant" [The International Covenant on Civil and Political Rights]. The authorities state that any "restrictions which the GDR may impose are made exclusively to protect national security, public order, public health or morals or the rights and freedoms of others." This is not credible.

In fact, in 1982, the United Nations Human Rights Commission, acting under ECOSOC resolution 1503, cited the German Democratic Republic (GDR) for engaging in a consistent pattern of violating its citizens' right to leave, as guaranteed under Article 12. (A complaint brought by the International League for Human Rights was accepted for review by the UN Human Rights Commission until 1983, when the Commission decided to stop the review in a 12-12-12 vote.) League documentation contained hundreds of case histories of persons denied the right to join family members in the West who, unsolicited, sought the League's assistance. These cases represent only a small fraction of the total number who actually apply to leave the GDR and are denied that right.

The GDR allowed between 30,000 to 40,000 persons -- an unprecedented number of its citizens -- to leave for the West during 1984, and some 25,000 were permitted to leave in 1985. Unofficial West German observers estimate that up to 500,000 persons presently await permission to leave.

The right of citizens to leave East Germany is restricted in law, as well as practice. The current GDR Constitution makes no reference whatsoever to the right to leave. Although incorporated into the Constitution of 1949, this right was dropped from the present Constitution which became effective in 1968, as amended in 1974. By contrast, Article 32 of the Constitution expressly ensures freedom of movement within the GDR. Under the legal principle of construction, inclusio unius excludio alterius, the exclusion of any reference to the right to leave seems clearly to indicate that this right was intentionally deleted from the Constitution. The absence of any mention of the right, together with the apparently deliberate omission by the Constitution's drafters, indicates that the right to leave is neither recognized nor protected by the State.

Emigration and travel from the GDR are closely circumscribed by domestic legislation. According to Paragraph 13 of the Passport Law of June 28, 1979, GDR citizens may leave their country only under the following circumstances:

> a) business trips sponsored by the Interior Ministry, the Foreign Affairs Ministry or the appropriate department of the People's Police;
> b) private trips approved by the Interior Ministry or department of the People's Police;
> c) tourist trips authorized by those institutions sponsoring the trips, the Interior Ministry and departments of the People's Police.

On October 15, 1983 a new law on emigration went into force. It restricts emigration only to family reunification with parents, children, or to join a spouse. While some exceptions to these regulations have been granted to those with more distant

relatives abroad, the law has been used restrictively against those without such "first-degree" relatives in Western countries.

In practice, the Family Reunification Project of the International League for Human Rights has reported that GDR officials withhold the approval required to leave for numerous purposes. The cases compiled by the League reveal that applications to leave are denied irrespective of the reasons for wishing to leave.

Denials of the right to leave are common even in the face of compelling circumstances. Despite each Helsinki Final Act signatory's undertakings to speed exit permission especially in urgent cases, permission to emigrate has not been granted to many individuals with aged, infirm family members living abroad who desperately need the care of younger, abler relatives. In one League case, the emigration applicant had been prevented from joining her father in West Germany even though he had recently fallen gravely ill from an aneurism and deperately needed her help. In another case, the family seeking permission to leave wished to go abroad to help their mother who has cancer and was no longer able to care for her children, one of whom is handicapped.

The large proportion of refusals of permission to leave, including those involving issues of family reunification, cannot be justified on grounds of "national security, public order, public health or morals or the rights and freedom of others" (permissible restrictions under Article 12(3) of the

International Covenant on Civil and Political Rights). The authorities in all but a few of the League's cases offer no reason--either formally or informally--for the denials. Under paragraph 17 of the Passport Law, "decisions on applications for exit, entry or transit travel do not require explanations." In those few cases where reasons have been given, the applicants reported to the League they were told that their requests were "illegal"; that the International Covenant on Civil and Political Rights is not binding; that the Helsinki Final Act is not valid; or that the right to leave is not a human right. The broad powers assumed by East German authorities are clearly outside the narrowly drawn exceptions to the right to freedom of movement allowed under international law.

Though travel within the country and to most countries of the Warsaw Pact is comparatively easy, travel to the West is extremely difficult (though during the period when the now outlawed trade union Solidarity was a prominent and legal force in Polish politics, citizens of the GDR also experienced a great deal of difficulty in obtaining visas to visit Poland). Those who attempt to travel to the West without official permission can meet with severe sanctions, including death and bodily injury.

The use of lethal force by GDR border guards against their own citizens who attempt to leave without authorization has been well documented. Guard dogs, mine fields, electrified barbed-wire fences, and automatic spring guns are among the devices lining East Germany's border. These weapons are used against would-be illegal emigrants. The reported 54,000 automatic guns are reported to be pointed inward towards East German territory.

While some of these were dismantled in a widely reported concession to West German politician Franz Josef Straus in late 1983, others later replaced them along wider areas of the border.

The use of such weaponry against persons seeking to leave the GDR has resulted in arbitrary killings or physical injuries. Additionally, East German border troops are under orders to fire on fleeing individuals and such cases are reported from time to time.

Imprisonment is another penalty for crossing the GDR border into the West without permission. Paragraph 23 of the Passport Law and Article 213 of the Penal Code provide criminal penalties with prison terms for violating the Passport Law or otherwise disregarding regulations relating to movement across borders. "Serious" cases, calling for up to eight years' imprisonment according to the law, include instances where the offender has used a hiding place; has carried out the criminal act with special intensity; or has carried it out with others. Those who "assist" others in attempting to cross the border have also been arrested and detained. Even leaving without permission to another Socialist State is punishable by imprisonment.

Other provisions of the penal code restricting the rights of expression and assembly (in themselves violations of Articles 19 and 21 of the Covenant) also have brought against persons seeking exit from the GDR, often resulting in prison terms.

Article 220 of the Penal Code provides for the punishment of up to five years' imprisonment of one who "vilified in public the state order or state bodies." Two prisoners reported to the

League that they were sentenced under this provision for complaining about the GDR authorities' handling of their visa applications.

Article 99 of the Penal Code proscribing "treasonable passing on of information" has also been directed against those wishing to emigrate. Several prisoners among the League cases report that they were sentenced to several years' imprisonment under this provision for maintaining written contact with friends in the FRG which included information about their desire to emigrate.

In one example, 25 year-old Leoni Hofmann was arrested reportedly for having written to the United Nations and the International League for Human Rights, asking for assistance in her effort to leave the GDR. Previously, GDR authorities denied her requests to leave the country in order to rejoin her fiance in the West. She was sentenced to 3-1/2 years in Hoheneck Prison.

Those who have made repeated applications to emigrate suffer other reprisals as well, such as job demotion and loss of employment. They can also be evicted from their homes or have personal property--including identification papers--confiscated. Some emigration applicants report that they or their children have been treated unfairly by school officials, and that they have been denied admission to higher education programs. Other reprisals commonly reported include the interception of mail, surveillance, searches of homes and interrogations.

A particularly cruel measure of recrimination is the forced adoption of children of those imprisoned for trying to leave. In

a number of cases reported to the League, such persons had their children taken from them and put up for adoption against the family's will. In the cases of the Mauritz and Behrend families--two cases documented by the League--the parents, upon release from detention, have experienced great difficulty in locating their children.

In nearly all of the cases documented by the League, the prolonged, excessive delays and other bureaucratic obstacles imposed during the GDR emigration process result in denials of the right to leave. One applicant, Doris Wels, reported that she had applied to leave over 100 times, to rejoin her fiance in the West before becoming so discouraged that she risked crossing the border without authorization. Although the October 1983 emigration law has speeded some decisions, numerous cases still remain outstanding for extended periods.

Chairman D'Amato. Before we ask any questions, I think we will hear from our other panelists.

Dr. Korey.

STATEMENT OF DR. WILLIAM KOREY, RESEARCH DIRECTOR, B'NAI B'RITH

Dr. KOREY. Thank you, Mr. Chairman, for inviting me to appear before you on this special occasion which corresponds to the meeting taking place in Bern. It is also a special occasion for the Jewish people on the even of Passover, Mr. Chairman, focusing attention on the theme of the Exodus and remembering what Moses said to the Pharoah, "Let my people go!"

The Bern sessions are of critical importance in that they focus attention on the principle and initial section of the Helsinki Final Act. Human contacts goes to the very heart of humanitarian issues. Linkage between human rights and security matters is central to the Helsinki accords, as clearly set forth in the language that articulates the relationship of the vital 10 principles, the so-called decalog, to one another.

Strikingly, General Secretary Mikhail Gorbachev appears to have accepted this basic thesis in his recent lengthy address to the 27th Party Congress. The subject of human contacts is of vital concern to Soviet Jewry, the world's third largest Jewish community, and indeed of Jews everywhere in the world.

If the Helsinki accords and Basket III specify that signatories are obligated to expedite the handling in a positive and humanitarian manner all applications for reunion of families, the Soviet Union at the present time systematically violates this decisively important humane provision. During the seventies, the U.S.S.R. allowed approximately 265,000 Jews to emigrate in order to be reunited with kin in Israel, but since 1980 it has imposed increasingly difficult, almost insuperable, obstacles. By 1984 the number permitted to leave was less than even 1,000, while last year the number only slightly exceeded that figure.

Currently, the rate of Soviet Jewish emigration is an infinitesimal fraction of the late seventies. Soviet authorities contend that the bulk of Jewry who would wish to leave have done so. The facts are otherwise.

More than 380,000 Soviet Jews still in the U.S.S.R. have taken the crucial first step in a complex and difficult emigration process by requesting and receiving an affidavit from a relative in Israel. Besides, there are 11,000 refuseniks in the U.S.S.R., Jews who have been refused exit visas at least once and frequently many times.

Thousands more have been refused, but their names are not known. The veritable shutting off by the Kremlin of emigration, while a traumatic blow to the humanitarian aspiration of family reunion, is also profoundly disturbing to their sustenance, both material and spiritual, as they face an escalating anti-Semitism and an assault upon Jewish culture.

Particularly tormenting today is the plight of the refuseniks. The following are examples of the various types of harassment and punishment to which he is subject: loss of job, impossibility of finding work, impoverishment; threat of arrest for parasitism, expulsion

from university; conscription, deprivation of academic standing, vilification and social ostracism, interference with correspondence and telephonic communication, surveillance, and even physical attack.

The harassment and deprivations confronting the refuseniks stand in stark and glaring contrast to obligations under the Helsinki Accords assumed by the signatories. A crucial provision of that act specifies that the rights of the applicants for exit visas are not to be modified.

Frequently, refusals of exit visas are based upon the security allegation, that the applicant had had access to security or classified information. At the same time, Soviet officials have publicly stated that the security period comes to an end after 5 or 10 years.

Gorbachev himself asserted this view with explicitness at a press conference in Paris on October 2, 1985. Nonetheless, we know of hundreds of refuseniks who have been rejected on security grounds for periods longer than the 5 or 10 years.

A word about the particular torment of the refusenik scientist is appropriate. He is often an extraordinarily talented person who very conceivably could have contributed enormously to the benefit of mankind in a variety of fields. But as it is, he is severed from laboratory, library, classroom, and cut off from access to foreign scientific publications, international conferences, and even contacts with visiting scientists.

The terrible truth is that this gifted scientist, whose potential discoveries could benefit all of us, is today withering.

Human contacts involves, directly or indirectly, a broad range of areas besides reunion of families. With respect to virtually all of them, Soviet Jews frequently find themselves the victim of stigmatization.

Stunningly, the U.S.S.R. appears to be embarked upon a major effort to sever the historic, emotional, cultural, and family connection between Russian Jewry and Western Jewry.

Thus, postal communication is at best uncertain, as documented by Congressman Benjamin Gilman. Nondelivery of mail, especially when it contains an affidavit from a relative for emigration application purposes, is a common phenomenon.

A similar situation obtains with reference to books of Jewish content and parcels. Harassment also obtains, to some extent, in the area of tourism, especially in the case of tourists visiting refuseniks.

Soviet Jews today look to the Helsinki Accord as the hope for realizing their deep aspiration to be reunited with kin and to continue, indeed deepen, their contact with brethren and coreligionists abroad. This Commission, now nearing the 10th anniversary of its creation, has performed invaluable services on behalf of these hopes.

On this occasion, when the Bern meeting is in session, no one can doubt that the Commission's commitment is to advance its mandate.

Thank you very much.

Chairman D'AMATO. Thank you, doctor.

Cochairman HOYER. Mr. Chairman, if I might interrupt. I apologize to Dr. Heitman. Doctor, I have a number of people who are

scheduled to meet with me at 11:30, and I apologize to you that I have to leave. I have read your statement and I think it is excellent. I very much appreciate your participation today. I apologize that I must leave. It's not for disinterest in your statement, but simply a compelling meeting. Dr. Korey and Ms. Gaer, thank you very much for coming today.

Thank you, Mr. Chairman.

Chairman D'AMATO. Thank you, Chairman.

Dr. Heitman.

STATEMENT OF DR. SIDNEY HEITMAN, PROFESSOR OF HISTORY, COLORADO STATE UNIVERSITY

Dr. HEITMAN. Mr. Chairman, members of the committee. I am here not to plead a special cause, nor do I represent any such organization. Rather, I appreciate the opportunity to share the results of research in which I am engaged as a Soviet specialist, although, obviously, I am not without personal feelings about this matter. I am here in particular to speak to the subject of two aspects of this emigration movement that I believe are less well known than that of the Jews or perhaps divided spouses.

Since the end of World War II more than 400,000 Soviet citizens have emigrated to the West in a unique and unprecedented movement today called the "Third Soviet Emigration." It is distinguished from other out-migrations from the U.S.S.R. by the fact that it is an organized, voluntary and legally sanctioned process comprised of and limited to three national minorities, 287,000 Soviet Jews (and incidentally, that is a misprint in the manuscript; it should be 286,000 Jews) 105,000 Germans, and 52,000 Armenians until now.

Jews have resettled chiefly in Israel and the United States; Germans in West Germany; and Armenians in the United States. This exodus originated in the early postwar years, but the vast majority of emigrants left during the 1970's when the Soviet Government relaxed its historic antipathy to the free movement of its nationals for a time. After 1980 emigration was restricted again, stranding thousands of others in the U.S.S.R. who still want to leave.

Today, emigration has dwindled to a mere trickle of individuals annually, compared to the more than 62,000 persons who left in the peak year 1979, raising questions as to whether the movement has now ended or may yet be revived; if so, under what circumstances; and what, if anything, the West can do to encourage such a revival.

I have been asked here to concentrate on the Germans and Armenians, and in my limited time I would like to discuss briefly the causes of their emigration, Soviet policy toward them until now, and where these two groups stand today with respect to the obligation of the U.S.S.R. to comply with a number of international agreements it has signed governing the right of free movement of peoples and the reunification of families, the most recent being the Helsinki accords of 1975.

With regard to the causes or motives of the Third Emigration, let me deal first with the Germans. Two million ethnic Germans in the U.S.S.R., are descendants of 18th-century and early 19th-centu-

ry colonists invited to settle in Russia by Catherine the Great and Alexander I. Granted special privileges, they preserved their native culture, language and religions and prospered until the outbreak of the First World War and the Revolutions of 1917 in which they suffered greatly.

During the 1920's they revived their native institutions and flourished again in specially created autonomous political units. The Second World War, however, sealed their doom. When the Nazis invaded the U.S.S.R. in 1941, Stalin accused the Germans of treason, and they were deported en masse to harsh labor camps where they were confined until 10 years after the end of the war and where thousands died as a result of the inhuman conditions in these camps.

In 1955, they were granted an amnesty at the intercession of the West German Government, and they were permitted to leave the camps and settle in southwestern Siberia and central Asiatic Russia where the vast majority live today. But they were prohibited from returning to their former homes, restoring their autonomous status, or seeking restitution for the loss of lives and property.

In 1964, they were exonerated of wartime treason, and since then their economic circumstances have generally improved, because their diligent and efficient labor is valued by the Soviet Government and well rewarded.

Notwithstanding these improved circumstances, however, the Germans chafed under the lingering stigma of their wartime treatment and a pervasive anti-Germanism in the U.S.S.R., the refusal of the Government to restore their prewar status, and property, and the repression of their historic culture, religions, and language.

Until 1970, emigration from the U.S.S.R. as an escape was simply unthinkable, but the advent of détente and the new West German Ostpolitic, the relaxation of political controls within the U.S.S.R. that accompanied détente and the successful emigration of Soviet Jews inspired the Germans to emulate them.

The Soviet Government had justified the emigration of the Jews on the grounds of family reunification, so as to circumvent the legal inhibitions to voluntary emigration per se. The Germans could also claim divided families as a result of the late war, and they applied under the same policy governing Jewish emigration.

Surprisingly, the Soviet Government consented, and between 1971 and 1980 tens of thousands of Germans succeeded in leaving and resettling in the Federal Republic of Germany.

The exodus of Jews and Germans alike was reduced from 1981 onward as a result of the erosion of détente. An estimated 100,000 to 1 million still wanted to emigrate to the West, but were no longer permitted to do so. Here the situation rests today.

In 1985, only 406 Germans were permitted to leave the U.S.S.R., compared to the nearly 10,000 who emigrated in the peak year of 1976 following the conclusion of the Helsinki accords.

Now the case of the Armenians is different from that of either the Soviet Jews or Germans; 4 million Soviet Armenians, in contrast to the alienated Jews and Germans, enjoy a favored position in the U.S.S.R. where they have their own union republic, exercise considerable political, cultural, linguistic, and religious autonomy,

maintain contact with the outside world, and have one of the highest standards of living in the U.S.S.R.

They, and Armenians throughout the international Armenian diaspora, also look to Soviet Armenia as a historic homeland and recall that the U.S.S.R. came to the rescue of their forebearers when they were threatened with annihilation by the Turks in the early 1920's and provided them with their autonomous state.

Why have the Armenians sought to emigrate then? Those who have left the U.S.S.R. until now and who would still do so today are entirely members of a postwar immigration to the U.S.S.R. At the end of World War II, the Soviet Government invited former nationals and others to return to the U.S.S.R. and help rebuild it. Nearly 250,000 diaspora Armenians immigrated to Soviet Armenia where they helped to develop the backward region into the modern, thriving state it is today. But there were problems.

The newcomers were resented and isolated by the native Armenians. They were appalled at the primitive conditions they encountered. And though they prospered in the postwar economic renaissance, they knew they could face better in the West.

Emigration for them was also unthinkable, however; that is, until the Soviet Government began to permit Jews and Germans to emigrate, nominally for the purpose of family reunification.

Armenians could also qualify on these grounds, for they have large, extended families throughout the world, and in the mid-1970's they joined the exodus of the Jews and Germans.

Now, why the Soviet Government permitted them to do so is still a mystery today, something that was speculated upon here earlier. Soviet motives for Jewish and German emigration were clearly related to détente and to the general configuration of East-West relations. But the Armenians did not figure in this relationship. Indeed, they not only had no major state supporting their movement, as the Jews and Germans did and still do, but the international Armenian diaspora actually deplored and discouraged their emigration, because it weakened and discredited the only national state Armenians can claim and from which they hope to expand someday into their former historic lands in western Turkey.

Though the United States has offered a haven for immigrant Armenians and some 40,000 have resettled here, there is no organized lobby on their behalf in Washington, in contrast to the situation with the Jews and Germans and their respective sponsor states, and no nationally organized effort even to receive and resettle the Armenians.

In any case, when emigration was restricted for Jews and Germans after 1980, Armenian emigration also sharply declined. Last year only 109 Armenians were permitted to leave, compared to the more than 6,000 who left in the peak year of 1980.

Today, an estimated 200,000 others would leave for the West if permitted to do so, or in effect the entire original immigration and its descendants.

Here the situation with Germans and Armenians rests today. Obviously, there is much more to their stories than I have been able to present in my limited time, but I will be glad to expand on any aspect of this subject at your request.

Chairman D'AMATO. Thank you very much, doctor.

Ms. Gaer, I'm going to ask you a question, and I'd like Dr. Korey and Dr. Heitman to give us their views on it also.

At the present time the Congress is in the midst of a debate regarding MFN status for Romania. Currently, MFN status is focused on Romania's emigration policy. I'd like to ask you, what do you think the practical impact of Jackson-Vanik has been. Should we continue MFN status not only for Romania but for those nations who systematically, let's say, fly in the face of Jackson-Vanik? Should we, in addition to that, expand Jackson-Vanik to include other human rights concerns in other provisions in the law that would then trigger Jackson-Vanik? What are your thoughts on that?

Ms. GAER. Well, I think, to begin with, the practical impact of Jackson-Vanik is in the—oh, in the case of Romania which you mentioned—the 150,000 people who are now in the West, in West Germany, Israel, the United States alone—the practical impact, as I have seen it, has been that whenever there are hearings in the Congress, cases that we work on at the International League for Human Rights are resolved. Suddenly, they go all year. Nothing happens. Suddenly, the hearings are scheduled; 50, 20, 30 people on the list. We always see a response in that fashion.

It doesn't matter what else we do during the year and what else Members of Congress do, that has an impact. And it was to our great regret when, with the question of the Executive orders and whether or not they were valid, when the House suspended hearings on MFN last year on Romania, and we didn't see the comparable response.

I'm glad to see that there's such attention to it now.

Chairman D'AMATO. As a result of Congressman Smith's effort. He has been probably the main supporter of moving in this direction. I think we should acknowledge that.

Ms. GAER. That's right. And I believe we've been in touch with your office at many different points.

As for whether Jackson-Vanik should be expanded, the fact of the matter is that, in the case of Romania, the hearings have always dealt with all the human rights questions in the country, though, of course, the question of emigration has been preeminent.

I think that if one were to do it in a calibrated fashion that one could indeed expand those matters that one links explicitly to trade or other policy in such formal agreements. You do run a risk in the case of Romania, a very real risk, of reaching the situation that was reached in 1974 with the Soviet Union where they just said, "We won't play."

So I would just urge a calibrated policy, continued attention to these matters, because they do bring results.

Chairman D'AMATO. Dr. Korey?

Dr. KOREY. I must say that, with regard to Romania, Jackson-Vanik has been an extremely useful piece of legislation. Romania, in the area of emigration, it has generally acted in accordance with the provisions of Jackson-Vanik. They have eased procedures generally with reference to Jews, specifically.

When the Romanian Government in 1983 indicated that it was planning to impose an education tax which is in direct violation of Jackson-Vanik, for it provides only for nominal taxes, the U.S.

Government on a variety of levels, including our Ambassador in Bucharest, and our Under Secretary of State made it very clear that such an enactment, such an edict, would interfere with the granting of MFN and credits to the Romanian Government, and the edict was made null and void.

In the course of the past few years the emigration rate in Romania, as compared with a very small population base, Jewish population base, in contrast with the Soviet Union, is extremely significant. Romania in 1984 permitted some 1,951 Jews to leave. In 1985, 1,327; this year the monthly figures of January, February, and March are much higher than the figures of Jews leaving from the Soviet Union. The anticipated figure during April is also expected to be fairly high, and some 93 passports have been granted.

With reference to your second question as to whether the Jackson-Vanik ought to be enlarged by taking account of other human rights provisions, I think that would weigh it down. It would add a burdensome baggage which wasn't the intent of the sponsors of that legislation.

The reason for the focus upon emigration was that emigration really goes to the very heart of—to many people—of survival. A basic U.N. study, for example, talks about the right to leave a country as a precondition of the exercise of any other right. Therefore, it would seem to me that it would be doing an injustice, including something that is imprudent, to weigh the Jackson-Vanik down with additional baggage.

Thank you very much.

Chairman D'AMATO. Thank you, doctor.

Dr. Heitman.

Dr. HEITMAN. Mr. Chairman, as an advertised Soviet specialist, I fear I don't have a good answer to your question, but I have two or three observations, if I may.

One of the reasons I don't have a good answer is, first of all, the fact remains we simply—as was indicated here earlier—we simply do not know what motivates Soviet behavior.

Second, in the sense the U.S. Government is damned if it does and damned if it doesn't when we make concessions. This is often interpreted as weakness on our part; and this perception then leads to other actions on the part of the Soviet Government. When we stand fast or hard, then, of course, this only confirms their perception of us as imperialistic, and anti-Communist, and so on. So we're damned if we do; we're damned if we don't.

About Jackson-Vanik I would say this: Jackson-Vanik really is, in a sense, part of a broad strategy of linkage. If the Soviets want certain things from us, then they have to make concessions in return. I believe this strategy should be continued.

If Jackson-Vanik is useful to the strategy, keep it. If not, abolish it, although I think there is some tactical advantage to keeping it on the books but applying it as we see fit.

In the 1970's under Brezhnev, a rather heavyhanded and very, very straightforward treatment of the Soviets was understood by them and responded to by them. I personally believe that emigration can be restored, not nearly on the levels of the 1970's, but whatever we can achieve will be to the good. But in dealing with the present government, we must do so, far differently. And, there-

fore, a whole range of very subtle and very blunt tactics must be used, among them the imposition and the invoking of Jackson-Vanik or not invoking the provisions, or even in time rescinding this, as our negotiators see that it will achieve results; because the main criterion should be results, not some kind of false principle.

Chairman D'AMATO. Ms. Gaer.

Ms. GAER. I just wanted to comment on one thing that Mr. Korey said, and I have such great respect for him that I find it difficult to disagree. But so be it.

Chairman D'AMATO. You don't want to disagree. You want to give as alternative.

Ms. GAER. I just wanted to suggest that the experience as I have examined it in the case of Romania with regard to the procedure for emigration is still extremely discouraging; that in the League's caseload, which I must say does not include a large number of Romanian Jews or people seeking to leave for Israel but does include a significant number coming to the United States or seeking to go to West Germany, that the emigration procedure is extremely complex, arbitrary, lengthy, deliberately obfuscating. It remains one of the principle points of concern on our part, with the whole question of emigration.

Dr. KOREY. I don't disagree with the difficulties and the cumbersome procedure. What I was trying to indicate was that, in terms of practice, there has been movement. It may not be great movement, but there has been movement; and as compared, for example, with the Soviet Union, it's rather a striking difference.

Chairman D'AMATO. Would you agree with that, Ms. Gaer?

Ms. GAER. Yes, I would.

Chairman D'AMATO. Congressman Smith.

Representative SMITH. Thank you. If I could followup on that line of questioning. While it may be weighing down Jackson-Vanik to include other human rights criteria, perhaps if reforms or however you want to categorize it were narrowly focused to the emigration issue per se—in other words, those people who do apply don't then find themselves either out of a job or subjected to other kinds of harassment, that more narrowly defined focus might result in, certainly, those people who do apply not going through irregular trauma but also promote more emigration. So perhaps we could pursue a course like that. Perhaps, Ms. Gaer, you would want to comment on that.

Ms. GAER. Well, as I said, I do think that carefully calibrated goals can be linked to the legislation. I mean, the education tax was an example where there was a very specific objectionable act, and something was worked out. Though it's still, I believe, officially on the books, it's not enforced.

Representative SMITH. Dr. Korey, first let me begin by noting that I share your deep concern over the plight of Soviet Jews, and I've been active in this issue for a number of years. I think Secretary General Gorbachev really undermines his own credibility when he makes statements, as he did several months ago, that Jews in the Soviet Union live similarly to those Jews who live elsewhere in the world, which I think is pure unmitigated nonsense.

We need to take those kinds of statements, when he makes them, and keep those in perspective when he makes statements on other

issues, because a person's word is their bond. If they're saying something that is provably false, as in the case of Soviet Jews all those who want to leave have left, I think, it's important to hold that up and to keep it in perspective.

I've been concerned over the last several months about the rise in anti-Semitism within the Soviet Union, the harassment and arrest of Hebrew teachers. Perhaps you would want to comment on the current situation as it is now and what course and strategy you plan to utilize in Switzerland in bringing this harassment of Jews in the Soviet Union to light.

Dr. KOREY. First, let me say that I regard your comments as particularly appropriate, your comments about Mr. Gorbachev's observations on television. As a matter of fact, at that particular time I wrote a special piece that appeared on the New York Times op-ed page dealing with what I called the Potempkins Villages.

It was in the 18th century that they created false villages in order to entice the world to think that everything was wonderful in czarist Russia. I regreted a repetition of this by the current Soviet leaders.

I think it's terribly important that our delegation at Bern and our future delegation in Vienna—and this Commission can play an extremely important role in terms of alerting the delegation to what concerns the American community as a whole. There has been a stepped-up campaign designed to intimidate the Jews from studying any kind of Jewish culture, particularly Hebrew culture.

Take Hebrew books. It's been found to be very difficult to send in Hebrew books or even a Hebrew dictionary or even dictionaries that the Soviet Union itself has published in 1963. Such Soviet-produced dictionaries found their way abroad, and when it's sent into the Soviet Union to one or another Jew, it becomes a banned publication.

The intimidation has reached a form of, to some extent, terrorizing a goodly number of people in the Soviet Union, and this stands in violation not only of the Helsinki accords but of the International Covenant on Civil and Political Rights which in article 27 specifies that minorities ought to be permitted to enjoy their cultural and linguistic rights—their heritage.

The Soviet Union ratified in October 1973, the International Covenant on Civil and Political Rights. So I think it's terribly appropriate to call their attention to this, to continue to insist upon it, so that the Jewish minority can live in accordance with the way all minorities in the Soviet Union are expected to live, in accordance with the maintenance of their own culture.

There are over 100 nationalities in the Soviet Union. Many of them are permitted to enjoy the elements of their culture. The Soviet Jewish community is deprived of virtually all of those elements.

Representative SMITH. I would just note that I believe very strongly that the human rights issue is a peace issue. I was wondering if B'nai B'rith or any of the human rights organizations, that any of you are familiar with, have ever tried to reach out to the peace groups that speak primarily and focus primarily on the nuclear issue; to try to bring them into some kind of solidarity, and common front, in approaching the Soviet Union; because, certainly,

they have had access to a great deal of exposure on Western television. If they concurrently brought up the human rights issue and didn't just say banning the bomb is the overriding issue, but certainly how people live day by day by day, whether it be in the Gulag, or in psychiatric prisons, or that suffering going on today, that that could further, I think, the cause of human rights substantially.

Dr. KOREY. The answer is "Yes," Congressman, "that indeed we stand very strongly in favor of all efforts directed toward achieving peace." We regard peace and mutual understanding between countries as essential to the benefit of all groups, including the Jewish groups.

What is tragic is that, for example, there is a peace group in the Soviet Union—I think some of the members of this Commission had met with that peace group—and it's tragic that that particular peace group isn't permitted to have the kind of linkage that it seeks to have with Western peace groups.

Representative SMITH. Ms. Gaer.

Ms. GAER. There has been some effort over many years to reach out to independent groups of varying—with varying policy agendas in the Soviet Union or in Eastern Europe. As these independent peace groups have developed, that has become a focal point, and a number of organizations, a lot of church groups, but a number of the bona fide peace groups here as well as in Europe, have established linkages; and there have been specific releases of prisoners to them, particularly in Europe, at moments when it's viewed as appropriate or helpful.

Though it is often difficult, I can tell you from personal experience, to convince people who are deeply consumed with the peace question to raise human rights issues, because they do often feel that that creates friction and bad feeling and antagonism when they're trying to create the opposite of it, it is possible. There are many people who have been very constructive by that linkage.

Representative SMITH. I think it's important too—just from the standpoint of having a clear understanding as to whether or not the Soviets can be trusted. In some of my comments, in my office, to people from the various peace groups, I bring to bear in my view on arms control, which I'm strongly in favor of, the dismal record of the Soviet Union and Warsaw Pact nations relative to human rights issues and the Helsinki accords.

As the previous bit of testimony gives credence to, if you are going to block marriages between Americans and Soviet nationals, can you be trusted when it comes to deployment of ICBM's and cruise missiles and submarine-launched missiles and the like? I think the question is a very real one.

If they keep their word in one area, on one agenda where they have given their solemn word, we're more likely to enter into an arms control agreement that we can truly live with, which is why I think it behooves the peace groups to get more involved in the human rights issue, because they will bring a new leverage to the effort.

Dr. KOREY. May I comment about that, Congressman.

You're absolutely correct. That is to say, when one shows a lack of faith in fulfilling obligations assumed under a solemn agree-

ment, then how can they be trusted to fulfill obligations under another kind of an agreement? That's why the Helsinki accords are so central to all of our relations with the Soviet Union today. It was on August 1, 1975, that a solemn agreement was reached where the heads of states of 35 countries assumed and committed themselves to the fulfillment of all the provisions of Helsinki, including Basket III and the human rights provisions.

Therefore, it's important in shaping the climate, the atmosphere, in which discussions take place whether on arms control or cultural exchange or trade or anything else, that human rights is fulfilled.

Representative SMITH. Mr. Heitman.

Dr. HEITMAN. Mr. Congressman, if I may offer a somewhat more jaundiced note. I think the Helsinki accords were signed by the Soviet Union in a very cynical way, as they have done many other things cynically. I think they also operate on a different, and I will not say better or worse, set of principles and ethical considerations than we do.

I also think it will be very difficult, if not impossible, to unify different organizations which are single-interest or single-case organizations. I do think what we have to do is this: We can no longer bully the Soviet Union into concessions, as we were able to do apparently in the seventies.

We have to find ways, very skillfully, using what was called at a conference that we attended 2 days ago, the carrot-and-stick technique, of finding how to persuade the Soviets. It is in their self-interest to resume emigration, to respect human rights; because they will benefit from it, not because it is right to do.

This, of course, opens the question; does not resolve it.

Representative SMITH. I have two final questions, Mr. Chairman.

Chairman D'AMATO. Certainly.

Representative SMITH. The first, Ms. Gaer—and it's good to see you again. I think, most recently it was at the human rights subcommittee hearings. Has your organization taken any position on the suspension of MFN for Romania?

Ms. GAER. No, it has not, on the policy question, although we have advanced that idea before it caught on down here, as a possibility. I could say, simply, that suspension is certainly a creative approach as opposed to ending MFN, but I would stress the extraordinary leverage that MFN has brought with regard to Romania, as Dr. Korey mentioned before, and urge a calibrated approach.

Representative SMITH. Good word.

Dr. Heitman, I have one final question now for you. You indicate in your testimony there are between 100,000 and 1 million East Germans who would like to emigrate to West Germany. What does our Government do with regard to those requests? Isn't that a function primarily handled by the West German Government? Or do we add our 2 cents on the issue also?

Dr. HEITMAN. To my knowledge; there has been very little cooperation, although perhaps consultation, between the Americans and the West German Government, which has quite different interests in a common problem.

One of the things that my research will eventually recommend is that there be more such cooperation on a number of different levels. I believe that we have to coordinate the efforts of the West German and American Governments, and we have not done so.

Neither Government has shown an inclination to do so until now. I think it can be done, and it should be done.

I also believe that West German and American ethnic, religious, and private organizations such as B'nai B'rith and others should join forces to bring joint and concerted pressure to bear. Only 1 month ago, the first meeting of Jewish scholars and German scholars was held in Germany, although emigration has been in process since 1971, to discuss the issue; and it was done on a very abstract and very safe level of the rights of national minorities in Eastern Europe. We lag in this regard.

Representative SMITH. Are there other nations that are in similar situations, Great Britain? France?

Dr. HEITMAN. With respect to——

Representative SMITH. With respect to our Nation not taking any kind of advocacy role, relative to the emigration of their people?

Dr. HEITMAN. No; they have not shown any interest in this, other than the broad commitment to the Helsinki accords and other human rights accords. No; I think this is strictly a matter for the West German, Israeli, and American Governments, because they are the ones most directly concerned.

Representative SMITH. Ms. Gaer.

Ms. GAER. There's an outstanding issue that few people in this country have ever addressed. And since you asked, there are thousands of Koreans on Sakhalin Island. You remember flight 707. Well, on Sakhalin Island there are thousands of Koreans who were forcibly taken to the island by the Japanese during World War II, who, when the Soviets took over the territory have never been permitted to be repatriated either with Japan or South Korea, the Republic of Korea. They're mainly from the South.

The Soviet Union has declared they are—unlike what it does with regard to all other enemy populations, that fell into its hands as a result of the war, declared that they are citizens of North Korea or stateless; and they have a choice. There are, as I say, thousands who are stateless, seeking to be repatriated with Japan or South Korea, and unable to do so.

To my knowledge. this is an issue that is very dear to the hearts of Koreans and many Japanese, but that the United States has never taken an interest in.

Dr. HEITMAN. If I may add. Several thousand indeed were repatriated a few years after the war, together with Greeks, Spaniards, and a number of others, Poles, Jews, and a number of other people.

This, interestingly, was under the postwar resettlement program because of the displaced persons that the war created. But then the movement stopped, and, indeed, there are these people.

Representative SMITH. Several thousand.

Dr. HEITMAN. Several thousand.

Ms. GAER. Well, but only those who had Japanese wives or spouses or first-degree relatives were allowed to go to Japan. They were never allowed to go to South Korea.

Dr. HEITMAN. Surely, there are many more. But you see, this gets to a somewhat different principle of repatriation of citizens of other states rather than reunification of families, although all of these come under the broad umbrella of these human rights agreements. What the linkage is, I'm not sure.

Representative SMITH. Dr. Korey.

Dr. KOREY. Congressman, if I understood your question correctly before, you asked us whether other Western governments have become involved with and concerned about Soviet Jews and others, and the answer is, "Yes." To a very considerable degree, the British Government, the Canadian Government, the French Government—I would say there—and certainly all of the Scandinavian and the neutral governments of Western Europe.

I would say there isn't a country in the civilized international community that isn't concerned about this pressing human traumatic problem which you yourself have so well illuminated.

Representative SMITH. Thank you, Dr. Korey. And thank you, Mr. Chairman.

Chairman D'AMATO. Thank you, Congressman. I think that Dr. Korey and the Congressman touch on something in discussing the possibility of a coming together of some of the special interests. And, Dr. Heitman, I happen to agree with you. As you know, there are single-issue groups. I have attempted, to be quite candid with you, in a very quiet way to encourage some of the groups to expand their activities. They could do this without losing sight of their primary goal. They could broaden their umbrella so that from that kind of diversity—I'm talking about American dynamics and politics, because I think an awful lot can be accomplished—we would be, I think, much more effective. And not only here in this country, but also in terms of bringing together, let's say, the Germans and others. Obviously, they have to put their single interests first. I don't disparage or deprecate that, nor do I want my remarks to be taken in that manner. I really do believe that by bringing together an amalgam, at least at certain times, of all of the interest groups, the Baptists, the Pentacostals, the ethnic minorities that are seeking to be able to practice their religions or to emigrate; et cetera, as well as Soviet Jews, tremendous, tremendous, tremendous leverage could be obtained. We could broaden this Nation's limited understanding of what takes place in the Iron Curtain countries. Our people could learn about the systematic deprivation of people's rights to pray, to practice their religion, to emigrate, to enjoy all the normal social intercourse that we take for granted in a free society.

How wide this deprivation is. It may be more virulent at certain times as it's directed at particular groups or people. So let's say the Soviet's target is Jews at this time. But there are certain times when it's equally virulent as it affects other groups. I just think we could be terribly more effective.

It has frustrated me as to how to bring these groups together in a way in which they could achieve their goals regarding their issues and, of course, be more effective for the total cause of human rights and world peace. But that has escaped me. Possibly before we conclude, any one of you might want to comment on what you

see as possible approaches to achieving this consensus, or perhaps it is something best left alone.

Dr. KOREY. Mr. Chairman, the plight of the Jews in the Soviet Union is sui generis. Those who will recall the "doctors' plot" and how in 1953 virtually all of Jewry in the Soviet Union was threatened with destruction by the nature of the accusation—will know of what I speak. There is a tradition of anti-Semitism. There is the revival of the ancient forgery, the Protocols of the Elders of Zion.

Jews, unlike most others, virtually all others with certain exceptions—you do have the divided families, and that's a poignant problem—but Jews are a minority in the Soviet Union that does not seek, like any other ethnic group in the Soviet Union, reforms within the society. They are not seeking more religious rights or more cultural rights or more political reforms of one kind or another.

They're really seeking to be reunited with kin outside. They're opting out of society. To some extent, the Soviet Union has recognized this and permitted a quarter of a million to leave.

If this issue were linked together with other issues, then the Soviet Jews would be exposed, as it were, in the public view. They would become highly visible as seeking fundamental changes in Soviet society, which they are not doing.

Their plight is unique and separate, and to complicate it by linking their problem with anybody else's problem is counterproductive. I was impressed by what the witness speaking about the divided families said this morning. She said that they did not want their particular problem linked together with anybody else. It would complicate their own special needs.

I have a very strong hunch that, if you asked the German officials as to whether they would want to link their problem with the Jewish problem, the answer would be in the negative.

There is a kind of cooperation, for example, that takes place among the Western countries at Helsinki or at the meetings dealing with Helsinki. The Americans understand, as do all the Western countries, how the Federal Republic of Germany must take the lead with reference to the German group, and we do not interfere with that. Nor do the Germans seek that kind of interference.

They use it for their own specific purposes. In the total American community, there exists a deep and serious concern about Soviet Jews, and it cuts across all religious groups. You mentioned the Baptists, the Evangelicals, the various Protestant groups. It cuts across the other ethnic groups and those with general human rights concerns.

These are aware of the unique feature of the Jewish problem, and they do not expect the Jews to become involved in the other ethnic and religious issues.

Representative SMITH. Thank you for yielding.

The main focus of my original question was to get at the fact that the peace groups are highly visible in Western societies, particularly in the United States. They have large rallies in Germany, in Great Britain. When the cruise missiles and the Pershing II's were under process of being deployed, they were picketing.

It would have been most helpful, I think, because in many ways they were in solidarity with many of the Soviet lines of thought, if

they at those points of time were to also raise these human rights issues, because there's no dissent in Red Square. There are no marches in Red Square. So they could, I think, serve very, very much of a humanitarian purpose by carrying banners, "Free the Soviet Jews," so it's not just Jews and others in solidarity in front of the United Nations, but it's these other groups that are also raising the issue.

So every time the Soviets turn around, even the peace groups with whom they have a great—in some cases, some real contact, they, too, are raising the human rights issue of Soviet Jews and others.

Then they would say, we just can't escape this. The Soviets would know that the groups where they've had sympathy, that somehow, you know—and I've heard this said in my office. I've heard it said in rallies, that both superpowers are equally wrong when it comes to nuclear weapons. Just diminish or freeze or whatever.

When Elliott Abrams was the Assistant Secretary for Human Rights, he tried this with some success, as Dr. Korey indicated—other countries have come forward and have made strong representations for Soviet Jews, but Mr. Abrams made the point that if more Communists within democracies, in Italy and the Socialists in Spain, were to come forth and say, we, too, demand Soviet Jews and human rights be respected behind the Iron Curtain, that would be very persuasive to the Soviets.

They expect it to come from Democrats and Republicans. They don't necessarily expect it to come from Socialists and others. I think that kind of approach, solidarity with the peace groups, if you will, would be very helpful in this fight.

Chairman D'AMATO. Dr. Heitman.

Dr. HEITMAN. My feeling is that the Soviet Union, unfortunately, is not as responsive now under Gorbachev as it was in the seventies to public opinion in the West, even from West European Communist Parties.

Chairman D'AMATO. Why is that?

Dr. HEITMAN. Probably a function of the different personalities of Brezhnev and Gorbachev.

Chairman D'AMATO. Training? Gorbachev's training, maybe?

Dr. HEITMAN. It's personality. It's background. It's also, I think, his intention to show an independence and a level of equality with President Reagan and other Western leaders. Also, I think it's a sense of the strength and autonomy of the U.S.S.R. that perhaps Brezhnev did not exhibit.

I don't know. In public he appears to be far less responsive and sensitive to it. To wit: When he came to Great Britain about 1 year ago last December and was harshly criticized in a joint session of the Parliament, he told them point blank:

> Ladies and gentlemen, mind your own damned business; you take care of your affairs here, and let us take care of ours there.

This is hardly the statement of a statesman or a diplomat. And this has been repeated again and again. I think there is an insensitivity, an unresponsiveness to Western public opinion.

However, I come back to my original point. In trying to persuade or to pressure the U.S.S.R.—in a sense to change its character—I think is futile to respect human rights. But to achieve limited and specific goals, so many Jews, so many Germans, so many divided spouses—if we can persuade and show the Soviet Union by both a carrot and a stick technique, through quiet diplomacy as well as public action, where it is in their self-interest to make concessions, to praise them when they do and criticize them when they don't, to work on it as—I like the word you use, the term you use, "calibrated measures." I think this is the new technique of the eighties that must be used, and not the rather frontal and brutal approach of the seventies, which worked with Brezhnev. It will no longer work.

Chairman D'AMATO. Ms. Gaer.

Ms. GAER. As for the special interest groups, we know from American politics, it's the special interest groups because they have a special interest to get things done. I think that's probably true in human rights as well.

Still, to accomplish your concerns, Mr. Chairman, I can think of few things better than the work of this Commission, more hearings, fanning out as you did the hearings—I think it was in Buffalo on forced labor, and doing certain kinds of public education.

Chairman D'AMATO. That's why we attempted to try to broaden our activities to document what is taking place, the human tragedies.

When we talk about human rights, we try to give people an understanding of what the issue really means in human terms. There are too many Americans who, I think, really don't have an appreciation of what we mean when we say human rights.

Ms. GAER. I think that's why having Mrs. Balovlenkov here this morning, the film—I think this will probably touch a lot of people in a way that our very reasoned analysis never will, though one needs both.

I think it's also important taking a look back to the seventies and ahead through the rest of the eighties to recall that Brezhnev thought he could take a giant leap forward with the help of Western technology and keep out Western influence with all the individual contacts and things of that sort.

Well, they found out that the more contacts you have with the West, the more bi-national marriages you have. The more contacts, the more ideas. The more people travel abroad, they see different things. They want to explore a different way.

I would—and now Mr. Gorbachev is interested in discipline and in improving the Soviet system through discipline, and a certain strictness of internal conduct.

I would stress as the most important factor for having an effective human rights policy, not just in the Soviet Union but worldwide, but especially in the Soviet Union, because of the deliberate isolation there that exists from the West, to increase contacts, human contacts of the kind talked about at Bern and in the Helsinki Agreement, but contacts at all different levels.

The more of, that one can have, that will make it possible for the special interest groups to go to see, to understand the way that human rights are violated for their special interest and for their friends.

Chairman D'AMATO. Chris, do you have any other questions?

Representative SMITH. No further questions, Mr. Chairman.

Chairman D'AMATO. Let me thank the panel for their testimony. We value the incisiveness and the eloquence of your presentations, not to mention the substance of them. You are experts in these areas, and we are deeply appreciative of your help and support.

Ms. Gaer, let me assure you that we certainly want that substance and that content. It is part and parcel of this undertaking, to attempt to share with our citizens the work that must be done. If we leave an unenlightened public, many of our goals will never really come about.

We deeply appreciate your time and your testimony. Chris, I want to commend you for your outstanding work on this Commission.

I've been asked to inform both the media and those who might be remaining that the refusenik rollcall is taking place today, right now, in the Cannon rotunda, affording concerned Members of Congress an opportunity to press for the resolution of the emigrating cases of Soviet Jews on the eve of Passover, as Dr. Korey has mentioned.

Again, you have the thanks of not only myself but of all of the Commission's members.

We stand in recess. I think our next hearing date is May 12, at which time we will have Anatoly Shcharansky who will be appearing. I think that will be quite an event. Hopefully, our review of his efforts and persecution will give both great stimulation and great courage; not only to those who are entrapped, but perhaps to some of our own political leaders here and throughout the world.

We stand in recess.

[Whereupon, at 12:36 p.m., the Commission hearing stood in recess.]

APPENDIX 1

STATEMENT BY SENATOR JOHN HEINZ
COMMISSION ON SECURITY AND COOPERATION IN EUROPE
April 22, 1986

Senator D'Amato and Congressman Hoyer, I commend you on holding this important hearing at a particularly crucial time. With all of the attention that is focused on the next summit or a possible arms control agreement, we must continue to illuminate human rights agreements which the Soviets signed and flagrantly violate.

It is not just the fact that the Soviets have little respect for the pieces of paper they so piously sign that troubles us. We are also haunted by the human suffering that their repressive policies inflict on millions of people in Eastern Europe and the Soviet Union.

There are thousands of people in the Soviet Union yearning simply for the opportunity to emigrate. Their Communist captors prefer instead to use them as hostages in their ideological struggle with the West.

Indeed, even as we speak, there is a "Refusenik Roll Call" going on downstairs in the Cannon Rotunda. The names of 10,000 refuseniks will be recited during this non-stop, day-long vigil. As Members of Congress, as Commissioners, and as decent human beings, it is our responsibility to keep the pressure on the Soviet government to grant these people, and all others who so desire, the right to emigrate.

While we will never forget the Soviet Jews seeking to go to Israel, we must also remember that numerous other nationalities in the USSR face almost insurmountable odds against emigration from that country. We must also focus our attention on the numerous Ukranians, Lithuanians, Latvians, Estonians and other minorities which are also trapped within the USSR.

As we all painfully are aware, emigration from the Soviet Union has been reduced to a trickle in recent years. The only recognized legal basis for emigration from the Soviet Union, family reunification, has been severely restricted so that only people with first degree relatives (parents, children and spouses) are eligible to apply for emigration. Even this so-called "legal" basis has no real meaning in the Western sense of the word, as the multitude of people in the Soviet Union who have first degree relatives in the West but are still denied permission to emigrate will testify.

As members of the Commission recently expressed to Michael Novak before he departed for the Bern Human Contacts meeting, any agreement reached between East and West to resolve our differences in other areas must be accompanied by real progress in Soviet emigration policies and human rights in general.

Without such changes in Soviet human rights behavior, agreements in other areas will be based on an illusory foundation of agreement and will lack the moral and public foundation which constitute strong and effective international agreements.

Arms control is a complicated and highly technical area of disagreement between East and West. While we can wrangle for years over warhead counts and throw-wieght ratios, Soviet abuses of human rights is distressingly clear.

Why are innocent children separated from their parents? Why are entire families not permitted to be reunited? Why can't Soviet Jews emigrate freely to Israel? In my view, the answers are simple. While these issues are obviously not as complicated as arms control disputes, we must make the Soviets aware that they are equally important to us.

Mr. Chairmen, I look forward to hearing the testimony of our distinguished guests.

APPENDIX 2

April 22, 1986

STATEMENT BY SENATOR MALCOLM WALLOP, HELSINKI COMMISSIONER, FOR THE HELSINKI COMMISSION HEARING ON EAST BLOC EMIGRATION POLICIES. TUESDAY, APRIL 22, 1986, 10:00 A.M., 340 CANNON

Mr. Chairman, Cochairman Hoyer, Members of the Commission, Distinguished Witnesses, Ladies and Gentlemen,

I welcome the opportunity to have this hearing here today on East Bloc emigration policies. The hearing is timely indeed. The CSCE meeting at Bern just opened and both the Chairman and I have just introduced joint resolutions in the Senate on Dr. Andrei Sakharov.

In that regard, Mr. Chairman and Cochairman Hoyer, I want you and the Commission to know that I worked on my resolution for many weeks. In February I drew together a task force of people from the think tanks, outside consultants and my staff to develop a resolution to help Dr. Sakharov. I examined the many rhetorical resolutions we had passed in the Congress on Dr. Sakharov's case over the past several years. Unfortunately, they produced no improvement. Dr. Sakharov still languishes in Gorky in KGB hands. I therefore wrote a resolution with teeth designed to signal the Soviets that there is a price to be paid for their illegal and immoral disregard of Dr. Sakharov's human rights.

Mr. Chairman, I introduced my resolution on April 16, 1986. You can imagine my surprise on the morning of April 17 when I opened my Congressional Record and learned that you had introduced a resolution the day before. But no matter. This demonstrates how hard we are willing to work for Dr. Sakharov's freedom. We all strive to hold the Soviets accountable for their violations of the agreements they sign with us and to keep the pressure on them.

Mr. Chairman, I hope we can blend our two resolutions in Committee to achieve the end we all seek - the release to safety of Dr. Andrei Sakharov. But I see no harm in having two resolutions, or three or even a hundred if we can achieve our goal.

Mr. Chairman, notwithstanding all the Congressional resolutions about Dr. Sakharov over the years, the President could send the strongest signal yet by one little five-minute visit with Mrs. Bonner before June 2 when her visa expires.

Mr. Chairman, the bottom line is that we all want the Soviets to know that there are consequences for their distain and cynical disregard of the will of the Congress and the American people for their handling of Dr. Sakharov, for their emigration policies and for their human rights behavior. We have reports now that the Soviets are using phosphorus in Afghanistan in blatant violation of chemical weapons agreements. This is an abhorrence we must bring to the attention of the whole world.

And now, Mr. Chairman, we have the outrageous Soviet behavior at the Bern CSCE human contacts conference. Despite Ambassador Novak's insistence on maximum openness at this important West-East meeting in Switzerland, the Soviets outwitted us on procedure and forced us to give in to their demands for closed proceedings even to open the conference. How cowardly they are!

Mr. Chairman, is this where quiet diplomacy, as so eloquently defended by Ambassador Novak at our recent hearing, leads us? Has it gotten Sakharov, Orlov and the millions of Soviet Jews out? Does it help the East Europeans who wish to emigrate?

Mr. Chairman, I find it hard to swallow that the Soviets by a procedural play forced us, the most open, democratic society in the world, to agree to hold the Bern meeting - on human contacts, no less - behind closed doors. Of course the Soviets and the East Bloc states want to hide from the world at this meeting. Why should we let them? Haven't they made a sham of the rules of consensus for CSCE meetings and of the whole process in human rights? I suppose they will demand open sessions only for those meetings in Bern where they can attack us on matters completely extraneous to the Human Contacts conference. I urge us to examine on whose terms we should go on - ours or theirs.

Mr. Chairman, the record of East Bloc emigration policy under the Helsinki Accords is also shameful. I welcome the witnesses here today who will document that for us and I ask them to give us their views on whether, with the East-bloc regimes, quiet diplomacy on human and emigration rights ever really succeeds.

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